

**HOUSE . . . . . No. 4112**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Tommy Vitolo***

*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 authorizing ranked choice voting in the town of Brookline.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>9/26/2023</i>

**HOUSE . . . . . No. 4112**

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By Representative Vitolo of Brookline, a petition (accompanied by bill, House, No. 4112) of Tommy Vitolo (by vote of the town) for legislation to authorize ranked choice voting in the town of Brookline. Election Laws. [Local Approval Received.]

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
\_\_\_\_\_

An Act authorizing ranked choice voting in the town of Brookline.

*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. RANKED CHOICE VOTING

2           (a) For the purposes of this section, the following terms shall have the following  
3 meanings, unless the context clearly requires otherwise:

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, or contains 2 or more sequential skipped  
8 rankings before its highest-ranked continuing candidate.

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

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

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

14 "Highest-ranked continuing candidate," the continuing candidate with the highest ranking  
15 on a voter's ballot.

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

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

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

22 "Ranking" means the number assigned on a ballot by a voter to a candidate to express the  
23 voter's relative preference for that candidate. Ranking number 1 shall be the highest ranking,  
24 ranking number 2 shall be the next-highest ranking, and so on.

25 "Skipped ranking", a circumstance in which a voter does not use a ranking and ranks a  
26 candidate with a subsequent ranking.

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

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

32 (b) All town-wide offices shall be elected by ranked choice voting at the annual election,  
33 and in any special election called pursuant to MGL Chapter 41 Section 10.

34 Ranked choice voting shall apply to a single-seat office only when the number of  
35 candidates printed on the ballot exceeds 2 and to a multi-seat office only when the number of  
36 candidates printed on the ballot exceeds the number of seats to be elected.

37 (c) In any single-seat election, each round shall begin by counting the number of votes  
38 for each continuing candidate. Each ballot shall count as 1 vote for its highest-ranked continuing  
39 candidate. Concluded ballots shall not be counted for any continuing candidate. Each round shall  
40 proceed sequentially as follows:

41 (1) If there are 2 or fewer continuing candidates, the candidate with the most votes shall  
42 be elected, and tabulation shall be complete.

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

46 (d) In any multi-seat election, each round shall begin by counting the number of votes for  
47 each continuing candidate. Each ballot shall count, at its current transfer value, for its highest-  
48 ranked continuing candidate. Concluded ballots shall not count for any continuing candidate. In  
49 the first round only, the election threshold shall then be calculated. Each round shall proceed  
50 sequentially as follows:

51 (1) If the sum of the number of elected candidates and continuing candidates is equal to  
52 the number of seats to be filled, then all continuing candidates shall be elected, and tabulation  
53 shall be complete.

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

61 (3) Otherwise, the last-place candidate shall be defeated, or the last-place candidates shall  
62 be defeated in batch elimination, and a new round shall begin.

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

67 (f) Prior to the first election conducted using Ranked Choice Voting, the Town Clerk,  
68 subject to approval by the Board of Registrars, will establish a method of tiebreaking that will be  
69 used if 2 or more last-place candidates are tied and batch elimination does not apply. The results  
70 of any such tiebreaking events must be recorded and reused in the event of a recount. The  
71 method for tiebreaking may be amended from time to time, but shall not be amended during the  
72 course of an election, including any and all recounts.

73 (g) When a skipped ranking or repeat candidate ranking is encountered on a ballot, that  
74 vote shall count towards the highest continuing ranking. In the case of an overvote involving two  
75 or more continuing candidates, the overvote candidates and all subsequently ranked candidates  
76 will be disregarded. If any vote cannot be advanced because no further continuing candidates are  
77 ranked on that ballot, that ballot shall be declared concluded for that contest.

78 (h) As used in section 4 of chapter 43A, the "order of votes received" by candidates in a  
79 ranked choice voting election shall mean the order in which candidates are elected. If multiple  
80 candidates are elected in the same round, the respective order of elected candidates in that round  
81 shall mean the order of votes received by those candidates at the end of the round.

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

86 (j) In any election conducted using Ranked-Choice Voting the Town Clerk shall publish  
87 election results that show the tabulations by rounds, along with any additional information that  
88 may be required by the Town bylaws.

89 (k) The Town Clerk shall provide educational materials to voters subject to any  
90 applicable Town bylaws.

91 SECTION 2.

92 Notwithstanding the provisions of applicable provisions of chapters 53 and 54 of the  
93 general laws, Ranked-choice voting ballots for use in the Town of Brookline municipal elections

94 shall be prepared according to a format meeting the below requirements and otherwise consistent  
95 with state law.

96 a) To the extent possible, a ranked choice voting ballot shall allow voters to rank as many  
97 choices as there are candidates printed on the ballot. If the voting equipment is unable to  
98 reasonably accommodate a number of rankings on the ballot equal to the number of candidates,  
99 the Board of Registrars of Voters may limit the number of choices a voter may rank to the  
100 maximum number allowed by the voting equipment. A ranked choice voting ballot shall not  
101 interfere with a voter's ability to rank at least 1 write-in candidate.

102 b) The ballot must indicate the number of seats to be filled for each contest.

103 c) For each election where Ranked Choice Voting is used and the number of candidates  
104 exceeds two, the Board of Registrars shall randomly draw lots prior to the printing of ballots so  
105 as to determine the order in which the names of candidates shall appear on the ballot. To the  
106 name of a candidate for Town office who is an elected incumbent thereof shall be added the  
107 words 'Candidate for Reelection'.

108 d) The ballot must comply with all otherwise applicable provisions of the General Laws  
109 and the regulations promulgated thereunder.

110 SECTION 3. If any part of this Act is declared unconstitutional by a court of competent  
111 jurisdiction, the remaining parts shall survive in full force and effect. If a conflict arises between  
112 this Act and any other provision of law, the policies and purposes of this Act shall govern.

113 SECTION 4. Not sooner than four years after acceptance of this act, a proposal to resume  
114 or discontinue the use of Ranked Choice Voting may be put on the Warrant for Town Meeting

115 by a petition signed by at least ten registered voters of Brookline. In the alternative, not sooner  
116 than four years after acceptance of this act, the question may be so placed on said ballot when a  
117 petition signed by at least ten per cent of the registered voters of Brookline requesting such  
118 action is filed with the registrars, who shall have seven days after receipt of such a petition to  
119 certify the signatures. Upon passage in Town Meeting or upon certification of the signatures, the  
120 Town Clerk shall cause the question to be placed on the ballot at the next regular municipal  
121 election held more than thirty-five days after such passage or certification. Upon the defeat by  
122 the voters of the above described ballot question, another proposal to resume or discontinue the  
123 use of Ranked Choice Voting may not be placed on the ballot for four years thereafter. Not  
124 sooner than four years after a successful vote to discontinue the use of Ranked Choice Voting,  
125 the procedures in this section may be used to resume the use of Ranked Choice Voting.

126 SECTION 5. This act shall be submitted for acceptance by the voters of the town of  
127 Brookline at the next regular municipal or state election following the effective date of this act;  
128 provided, however, that if the deadline to put a question on the ballot for the next regular  
129 municipal or state election has passed, the question shall be placed on the ballot for the following  
130 regular municipal or state election. This act shall be submitted for acceptance in the form of the  
131 following question: