HOUSE . . . . No. 4034

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:
Tommy Vitolo	*15th Norfolk*	*4/14/2025*
Cynthia Stone Creem	*Norfolk and Middlesex*	*9/8/2025*
Margaret R. Scarsdale	*1st Middlesex*	*6/16/2025*

HOUSE . . . . No. 4034

By Representative Vitolo of Brookline, a petition (accompanied by bill, House, No. 4034) 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.]

The Commonwealth of Massachusetts

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**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

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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: