HOUSE DOCKET, NO. 966 FILED ON: 1/14/2025

HOUSE . . . . . No. 809

The Commonwealth of Massachusetts

PRESENTED BY:

Michelle L. Ciccolo

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 establishing ranked choice voting for certain offices in the town of Lexington.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Michelle L. Ciccolo	*15th Middlesex*	*1/14/2025*
Cindy F. Friedman	*Fourth Middlesex*	*3/17/2025*
Margaret R. Scarsdale	*1st Middlesex*	*5/29/2025*
Kenneth I. Gordon	*21st Middlesex*	*11/10/2025*

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HOUSE . . . . . No. 809

By Representative Ciccolo of Lexington, a petition (accompanied by bill, House, No. 809) of Michelle L. Ciccolo (by vote of the town) that the town of Lexington be authorized to establish ranked choice voting for certain offices in said town. Election Laws. [Local Approval Received.]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *4223* OF 2023-2024.]

The Commonwealth of Massachusetts

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

An Act establishing ranked choice voting for certain offices in the town of Lexington.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Effectiveness of this Act

This act shall take effect upon its passage, and elections for the Town offices described herein shall take place in accordance with this Act on or after January 1, 2025. The provisions of this Act shall supersede all inconsistent provisions of Chapter 753 of the Acts of 1968, as amended as of January 1, 2025.

SECTION 2. Definitions

Chapter 753 of the Acts of 1968, as amended by Chapter 284 of the Acts of 1976, Chapter 120 of the Acts of 1985, Chapter 117 of the Acts of 2019, and Chapter 3 of the Acts of 2020 is hereby amended by inserting Sections 1A and 1B as follows:

Section 1A

The terms below shall have the following meanings for the purposes of Sections 1A and 1B:

"Batch elimination," the simultaneous defeat of multiple candidates, as provided in Section 1B(d).

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

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

"Elected candidate," a candidate who has obtained sufficient votes to be elected, whether there are additional election rounds before the election has concluded, or the election concluded after the vote during which they were elected.

"Election threshold," the number of votes sufficient for a candidate to be elected in a multi-seat election. It

is calculated by dividing the total number of votes counting for continuing candidates in the first round by the sum of the number of seats to be elected plus one, disregarding any fractions, and then adding one.

“Highest-ranked continuing candidate,” the continuing candidate with the highest ranking on a voter's ballot.

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

“Overvote,” a circumstance in which a voter ranks more than one candidate at the same ranking. “Plurality voting,” the voting system in which the candidate receiving the most votes is declared the winner, even if such candidate does not receive a majority of the votes cast in the election.

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

“Ranking,” means the number assigned on a ballot by a voter to a candidate to express the voter's preference for that candidate. Ranking number one shall be the highest ranking, ranking number two shall be the next-highest ranking, and so on.

“Skipped ranking,” a circumstance in which a vote does not use a ranking and ranks a candidate with a subsequent ranking (e.g., a voter casts their votes as follows: (1) Jane Doe; (2) Michael Smith; (4) Mary Johnson).

“Surplus fraction,” the number equal to the difference between an elected candidate’s 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 one. If a ballot counts to the election of a candidate under subsection 1B(d)(1), it receives a lower transfer value.

Section 1B

(a) Notwithstanding the provisions of Section 1, or any other special or general law to the contrary, on or after January 1, 2025, the following town offices shall be elected by ranked choice voting, except for (1) a single-seat office when the number of certified candidates is less than or equal to two, or (2) a multi-seat office when the number of certified candidates is less than or equal to the number of seats to be elected, provided that this Section 1B shall not affect the term of office of any such elected official or elected member of such board, committee or authority elected on or before December 31, 2024.

(1) moderator;

(2) select board;

(3) school committee;

(4) Lexington housing authority; and

(5) planning board.

(b) In any single-seat election, each round shall begin by counting the number of votes for each continuing candidate. Each ballot shall count as one vote for its highest-ranked continuing candidate. Concluded ballots shall not be counted for any continuing candidate. Each round shall end with one of the following two outcomes:

(1) If there are more than two continuing candidates, no candidate may win the seat outright by a

plurality or majority vote and instead, after a vote, (i) the last-place candidate shall be defeated; or (ii) the last-place candidates shall be defeated in batch elimination, and a new round shall begin; or

(2) If there are two 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.

(c) In any multi-seat election, each round shall begin by counting the number of votes for each continuing candidate. Each ballot shall count, at its current transfer value, 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. Each round shall proceed as follows:

(1) Any continuing candidate who meets or exceeds the election threshold 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, and a new round shall begin; each candidate having exceeded the Election Threshold in the initial ballot shall be removed or listed as "ELECTED" on all subsequent ballots for continuing candidates until the election is complete;

(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 plus one, 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) If no continuing candidate has more votes than the election threshold and the sum of the number of elected candidates and continuing candidates is equal to the sum of the number of seats to be elected plus one, the continuing candidate with fewest votes shall be defeated, all other continuing candidates shall be elected, and the election is complete.

(d) Batch elimination shall apply to the largest possible group of continuing candidates such that the sum of the votes for batch-eliminated candidates is less than the individual number of votes for every continuing candidate not in the group; provided that the number of continuing candidates not batch-eliminated is at least one more than the remaining number of positions to elect.

(e) Ties shall be resolved as follows:

(1) If two or more last-place candidates are tied and batch elimination applies, each tied candidate to whom batch elimination applies shall be defeated accordingly.

(2) If two or more continuing candidates are tied but are not in last place, the order of said tied continuing candidates shall be determined by the number of votes received by each tied candidate in the prior round; or

(3) If two or more last-place continuing candidates are tied and batch elimination does not apply, the continuing candidate with the fewest votes in the prior round shall be defeated. If two or more continuing candidates were also tied in the prior round (i.e., two continuing candidates were tied in the previous round, but batch elimination did not then apply), the continuing candidate with the fewest votes in the next-prior round shall be eliminated. If two last-place continuing candidates are tied at the end of the first round and batch elimination does not apply, then the two tied continuing candidates shall have a run-off before the next round. The

continuing candidate with fewer votes in the runoff will be defeated, and any remaining rounds in the election will proceed according to this Section 1B. This process shall be applied successively as many times as necessary, a tie shown in any prior round shall be decided by referring to the standing of the candidates in the round immediately preceding the tie.

(f) The Town Clerk may, at the Town Clerk's discretion, publish guidance or rules on the administration of elections conducted according to this Act; provided that any such guidance or rules shall be limited to logistical, accessibility, or other similar guidance or rules that are purely administrative in nature; and provided further that any guidance or rules hereunder published shall be limited to ensuring the integrity and efficient functioning of the election.

(g) In any election conducted in accordance with the provisions of this Section 1A and Section 1B, the Town Clerk shall publish election results that show the tabulations by round, along with any additional information that may be required by applicable law.