HOUSE DOCKET, NO. 4771 FILED ON: 5/30/2025

HOUSE . . . . . No. 4189

The Commonwealth of Massachusetts

PRESENTED BY:

Mindy Domb and Joanne M. Comerford

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 the implementation of elements of the charter for the city known as the town of Amherst.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Mindy Domb	*3rd Hampshire*	*5/30/2025*
Joanne M. Comerford	*Hampshire, Franklin and Worcester*	*5/30/2025*

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By Representative Domb of Amherst and Senator Comerford, a joint petition (accompanied by bill, House, No. 4189) of Mindy Domb and Joanne M. Comerford (with the approval of the town council) relative to ranked choice voting in the town of Amherst. Election Laws. [Local Approval Received.]

The Commonwealth of Massachusetts

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

An Act relative to the implementation of elements of the charter for the city known as the town of Amherst.

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. Notwithstanding the provisions of chapters 50 through 54 of the general laws, or any other general or special law to the contrary, the Town of Amherst is hereby authorized to use ranked choice voting in municipal elections only.

SECTION 2. For purposes of this act, the following words and phrases shall have the meanings respectively ascribed to them in this section:

(a) The words, “Continuing candidate” shall mean a candidate who has been neither eliminated nor elected.

(b) The words “Exhausted ballot” shall mean a ballot that is not counted for any continuing candidate because it does not rank any continuing candidates or because the voter’s intent cannot be determined.

(c) The words “Highest continuing ranking” shall mean the highest ranking on a voter's ballot for a continuing candidate.

(d) The word “overvote” shall be the result if a voter ranks more than one (1) candidate at the same ranking.

(e) The words “Ranked-choice voting” shall mean an election method in which voters rank candidates in order of their preference in a contest for an elected office. The calculation of election results occurs in rounds in which votes, or fractions thereof, are distributed to candidates according to the preferences marked on each ballot.

(f) The word “Ranking” shall mean the number assigned by a voter to a candidate to express the voter's preference for that candidate. Ranking number one (1) is the highest ranking.

(g) The words “Repeat candidate ranking” shall mean when a voter ranks the same candidate at multiple rankings for the contest being counted.

(h) The word “Round” shall mean an instance of the sequence of ranked choice voting tabulation steps established in Section 4.

(i) The words “Skipped ranking” shall mean when a voter leaves a ranking blank and ranks a candidate at a subsequent ranking.

(j) The word “Surplus” shall mean the total number of votes cast for an elected candidate in excess of the threshold.

(k) The word “Threshold” shall mean the minimum number of votes required to win a seat.

(l) The words, “Transfer value” shall mean the proportion of a vote that will contribute to the next ranked continuing candidate on a ballot, according to the weighted inclusive Gregory method. Each vote begins with a transfer value of one (1).

SECTION 3. Notwithstanding the provisions of applicable provisions of chapters 53 and 54 of the general laws, Ranked-choice voting ballots for use in the Town of Amherst municipal elections shall be prepared according to a format meeting the below requirements and otherwise consistent with state law.

a) For each contest, the ballot must allow a voter to mark rankings for at least the smaller of (i) the number of seats plus two or (ii) the total number of declared candidates plus write-in candidates.

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

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

SECTION 4. Notwithstanding the provisions of section 2 of chapter 50 of the general laws, for the purposes of this act, votes shall be tallied as follows:

a) Each contest on the ballot will be tabulated in rounds in which votes, or fractions thereof, are distributed to candidates according to the preferences marked on each ballot. A ranked choice voting procedure will be employed in which a voter's lower ranked choice may not impact the likelihood of a higher ranked choice being elected and in which the order of the ballots may not affect the outcome. In each contest, no voter’s ballot will have a total vote value greater than one (1).

b) The Town Clerk, subject to review by the Board of Registrars, shall determine the number of valid ballots thereafter used to calculate the threshold at each round.

i. If a candidate's total vote count equals or surpasses the threshold, that candidate must be declared elected.

ii. That candidate's surplus must then be distributed according to the highest continuing ranking on each ballot that contributed to that candidate's vote count, according to each ballot's transfer value.

iii. If no continuing candidate's total vote count equals or surpasses the threshold after the first distribution, then the continuing candidate with the lowest vote count must be eliminated, and the eliminated candidate's votes must be transferred according to the highest continuing ranking on the eliminated candidate's ballots. Votes from exhausted ballots will not be transferred.

iv. The process set forth in sections 4(b)(i)-(iii) shall be repeated until the number of elected candidates equals the number of seats to be filled or the number of continuing candidates equals the number of seats yet to be filled. In the latter case, the remaining continuing candidates must be declared elected, at which point the election for that contest will be complete.

c) The Town Clerk, subject to review by the Board of Registrars will establish a method of tiebreaking that will be used when ties occur in this procedure. The results of any such tiebreaking events must be recorded and reused in the event of a recount. The method for tiebreaking may be amended from time to time, but shall not be amended during the course of an election, including any and all recounts.

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

SECTION 5: If any part of this Act is declared unconstitutional by a court of competent jurisdiction, the remaining parts shall survive in full force and effect. If a conflict arises between this Act and any other provision of law, the policies and purposes of this Act shall govern.

SECTION 6: This Act shall take effect immediately upon its approval; provided, however, that it shall be applicable only to municipal elections occurring on or after the 120th day from the date of enactment.