

# HOUSE . . . . . No. 198

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## The Commonwealth of Massachusetts

PRESENTED BY:

***Jay R. Kaufman***

*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 passage of the accompanying:

An Act relative to voting by the instant runoff voting method in primaries..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>

# HOUSE . . . . . No. 198

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By Mr. Kaufman of Lexington, a petition (accompanied by bill, House, No. 198) of Jay R. Kaufman, Peter V. Kocot and Ellen Story relative to voting by the instant runoff voting method in primaries. Election Laws.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 648 OF 2009-2010.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven  
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An Act relative to voting by the instant runoff voting method in primaries..

*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. Section 2 of chapter 50 of the General Laws as appearing in the 2008  
2 Official Edition is hereby amended by striking out the third sentence and inserting in place  
3 thereof the following:—

4           This section shall not apply to nominations and elections by ballot at primaries or  
5 caucuses. The Instant Runoff Voting method, as defined in section 1 of chapter 50 shall be the  
6 method used for all primary elections and caucuses for the following offices when three or more  
7 candidates have qualified to have their names printed on the ballot: governor, lieutenant  
8 governor, attorney general, secretary of the commonwealth, state treasurer, state auditor, and  
9 representative and senator in general court. Ballots shall allow the voter to mark the voter's first  
10 choice in the same manner as that for offices not elected by Instant Runoff Voting. Sample  
11 ballots illustrating voting procedures shall be posted in or near the voting booth, and shall be  
12 included in the instruction packet for absentee ballots. Directions to voters shall conform  
13 substantially to the following:

14           “Vote for your first-choice candidate by marking the number ‘1’ next to that candidate’s  
15 name. In addition to your first choice candidate, you may rank additional candidates in order of  
16 preference. Ranking additional candidates will not affect your first-choice candidate. Indicate  
17 your second choice by marking the number ‘2’ by that candidate’s name, your third choice by

18 marking the number ‘3,’ and so on for as many candidates as you wish. Do not mark the same  
19 number beside more than one candidate. Do not skip numbers.”

20           The secretary of the commonwealth shall adopt and promulgate regulations  
21 consistent with this section, which regulations shall ensure that ballots shall be simple and easy  
22 to understand. As soon as practicable, the secretary of the commonwealth shall ensure that all  
23 voting equipment in the commonwealth is capable of effecting Instant Runoff Voting. In  
24 addition, the secretary of the commonwealth shall conduct a voter education campaign to  
25 familiarize voters with Instant Runoff Voting.

26           SECTION 2. Section 1 of chapter 50 of the General Laws as appearing in the 2008  
27 Official Edition is hereby amended by inserting after the definition of “federal act” the following  
28 definition:—

29           “Instant Runoff Voting” means a method of casting and tabulating votes that simulates  
30 the ballot counts that would occur if all voters participated in a series of runoff elections with one  
31 candidate eliminated after each round of counting. In elections using the Instant Runoff Voting  
32 method, voters may rank the candidates in order of preference. In all such elections, the count  
33 shall proceed in the following manner:

34           (1) The initial round of counting shall be a count of the first choices marked on each  
35 ballot. If any candidate receives a majority of the first choices, that candidate shall be deemed  
36 and declared elected.

37           (2) If no candidate receives a majority of first choices, there shall be a second round of  
38 counting. The last-place candidate shall be eliminated, and all the continuing ballots shall be  
39 recounted. “Continuing ballot” means a ballot that is not an exhausted ballot.

40           (3) Each continuing ballot shall be counted as one vote for that ballot’s highest ranked  
41 advancing candidate. “Advancing candidate” means a candidate who has not been eliminated.

42           (4) If no candidate receives a majority at the second round of counting, there shall be a  
43 third round of counting. The last-place candidate shall be eliminated, and all the continuing  
44 ballots shall be recounted. Each continuing ballot shall be counted as one vote for that ballot’s  
45 highest ranked advancing candidate.

46           (5) The process of eliminating the last-place candidates and recounting all the  
47 continuing ballots shall continue until one candidate receives a majority of the votes in a round.  
48 The candidate who receives a majority of the votes in a round shall be deemed and declared to be  
49 elected.

50           (6) When a ballot becomes an exhausted ballot it shall not be counted in that round or  
51 any subsequent round. “Exhausted ballot” means a ballot on which there are no choices marked  
52 other than choices for eliminated candidates.

53           (7) If there are not sufficient second and lower choices for any candidate to receive a  
54 majority, the candidate with the highest number of votes shall be deemed and declared to be  
55 elected.

56           (8) No candidate who has been eliminated can be elected, no matter how many second  
57 and lower ranked choices might otherwise have become votes for that candidate in a later round.