

**HOUSE . . . . . No. 665**

By Mr. Kaufman of Lexington, petition of Jay R. Kaufman and others relative to the instant runoff voting method. Election Laws.

**The Commonwealth of Massachusetts**

PETITION OF:

Jay R. Kaufman  
Peter V. Kocot  
Denise Provost

Benjamin Swan  
Patricia D. Jehlen  
Carl M. Sciortino, Jr

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO VOTING BY THE INSTANT RUNOFF VOTING METHOD.

*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 78 of Chapter 54 of the General Laws as  
2 appearing in the 2000 Official Edition is hereby amended by striking  
3 out the third sentence.

1 SECTION 2. Chapter 54 is hereby further amended by inserting  
2 after Section 78A the following section 78B:—

3 (a) Definitions.

4 The following terms as used in this section shall, unless the con-  
5 text requires otherwise, have the following meanings:—

6 “Instant Runoff Voting” means a method of casting and tabulating  
7 votes that simulates the ballot counts that would occur if all voters  
8 participated in a series of runoff elections with one candidate elimi-  
9 nated after each round of counting.

10 “Advancing candidate” means a candidate who has not been elim-  
11 inated.

12 “Continuing ballot” means a ballot that is not an exhausted ballot.

13 “Exhausted ballot” means a ballot on which there are no choices  
14 marked other than choices for eliminated candidates.

15 (b) The purpose of this section shall be to require a majority of  
16 votes for election to the offices of governor, lieutenant governor,

17 attorney general, secretary of the Commonwealth, state treasurer,  
18 state auditor, and representative and senator in general court.

19 (c) Instant Runoff Voting shall be the method used for all elec-  
20 tions to the following offices when three or more candidates have  
21 qualified to have their names printed on the ballot for those offices:  
22 governor, lieutenant governor, attorney general, secretary of the  
23 Commonwealth, state treasurer, and state auditor.

24 (d) In elections using the Instant Runoff Voting method, voters  
25 may rank the candidates in order of preference. In all such elections,  
26 the count shall proceed in the following manner:—

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

31 (2) If no candidate receives a majority of first choices, there shall  
32 be a second round of counting. The last-place candidate shall be  
33 eliminated, and all the continuing ballots shall be recounted. Each  
34 continuing ballot shall be counted as one vote for that ballot's  
35 highest ranked advancing candidate.

36 (3) If no candidate receives a majority at the second round of  
37 counting, there shall be a third round of counting. The last-place  
38 candidate shall be eliminated, and all the continuing ballots shall be  
39 recounted. Each continuing ballot shall be counted as one vote for  
40 that ballot's highest ranked advancing candidate.

41 (4) The process of eliminating the last-place candidates and  
42 recounting all the continuing ballots shall continue until one candi-  
43 date receives a majority of the votes in a round. The candidate who  
44 receives a majority of the votes in a round shall be deemed and  
45 declared to be elected.

46 (5) When a ballot becomes an exhausted ballot it shall not be  
47 counted in that round or any subsequent round.

48 (6) If there are not sufficient second and lower choices for any  
49 candidate to receive a majority, the candidate with the highest  
50 number of votes shall be deemed and declared to be elected.

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

54 (e) Ballots shall allow the voter to mark the voter's first choice in  
55 the same manner as that for offices not elected by Instant Runoff  
56 Voting.

57 (f) Sample ballots illustrating voting procedures shall be posted in  
58 or near the voting booth, and shall be included in the instruction  
59 packet for absentee ballots. Directions to voters shall conform sub-  
60 stantially to the following:—

61 “Vote for your first-choice candidate by marking the number ‘1’  
62 next to that candidate's name. In addition to your first choice candi-  
63 date, you may rank additional candidates in order of preference.  
64 Ranking additional candidates will not affect your first-choice candi-  
65 date. Indicate your second choice by marking the number ‘2’ by that  
66 candidate's name, your third choice by marking the number ‘3,’ and  
67 so on for as many candidates as you wish. Do not mark the same  
68 number beside more than one candidate. Do not skip numbers.”

69 (g) The secretary of the Commonwealth shall adopt and promul-  
70 gate regulations consistent with this section, which regulations shall  
71 ensure that ballots shall be simple and easy to understand. As soon  
72 as practicable, the secretary of the Commonwealth shall ensure that  
73 all voting equipment in the Commonwealth is capable of effecting  
74 Instant Runoff Voting. In addition, the secretary of the Common-  
75 wealth shall conduct a voter education campaign to familiarize  
76 voters with Instant Runoff Voting.