

HOUSE No. 666

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

The Commonwealth of Massachusetts

PETITION OF:

Jay R. Kaufman
Peter V. Kocot
Denise Provost

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 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
2 appearing in the 2002 Official Edition is hereby amended by striking
3 out the third sentence and inserting in place thereof the following:—
4 This section shall not apply to nominations and elections by ballot
5 at primaries or caucuses. The Instant Runoff Voting method, as
6 defined in Section 1 of Chapter 50 shall be the method used for all
7 primary elections and caucuses for the following offices when three
8 or more candidates have qualified to have their names printed on the
9 ballot:— governor, lieutenant governor, attorney general, secretary
10 of the Commonwealth, state treasurer, state auditor, and representa-
11 tive and senator in general court. Ballots shall allow the voter to
12 mark the voter’s first choice in the same manner as that for offices
13 not elected by Instant Runoff Voting. Sample ballots illustrating
14 voting procedures shall be posted in or near the voting booth, and
15 shall be included in the instruction packet for absentee ballots.
16 Directions to voters shall conform substantially to the following:—
17 “Vote for your first-choice candidate by marking the number ‘1’
18 next to that candidate’s name. In addition to your first choice candi-
19 date, you may rank additional candidates in order of preference.

20 Ranking additional candidates will not affect your first-choice candi-
21 date. Indicate your second choice by marking the number ‘2’ by that
22 candidate’s name, your third choice by marking the number ‘3,’ and
23 so on for as many candidates as you wish. Do not mark the same
24 number beside more than one candidate. Do not skip numbers.”

25 The secretary of the Commonwealth shall adopt and promulgate
26 regulations consistent with this section, which regulations shall
27 ensure that ballots shall be simple and easy to understand. As soon
28 as practicable, the secretary of the commonwealth shall ensure that
29 all voting equipment in the Commonwealth is capable of effecting
30 Instant Runoff Voting. In addition, the secretary of the Common-
31 wealth shall conduct a voter education campaign to familiarize
32 voters with Instant Runoff Voting.

1 SECTION 2. Section 1 of chapter 50 of the General Laws as
2 appearing in the 2002 Official Edition is hereby amended by
3 inserting after the definition of “federal act” the following defini-
4 tion:—

5 “Instant Runoff Voting” means a method of casting and tabulating
6 votes that simulates the ballot counts that would occur if all voters
7 participated in a series of runoff elections with one candidate elimi-
8 nated after each round of counting. In elections using the Instant
9 Runoff Voting method, voters may rank the candidates in order of
10 preference. In all such elections, the count shall proceed in the
11 following manner:—

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

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

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

23 (4) If no candidate receives a majority at the second round of
24 counting, there shall be a third round of counting. The last-place
25 candidate shall be eliminated, and all the continuing ballots shall be

26 recounted. Each continuing ballot shall be counted as one vote for
27 that ballot's highest ranked advancing candidate.

28 (5) The process of eliminating the last-place candidates and
29 recounting all the continuing ballots shall continue until one candi-
30 date receives a majority of the votes in a round. The candidate who
31 receives a majority of the votes in a round shall be deemed and
32 declared to be elected.

33 (6) When a ballot becomes an exhausted ballot it shall not be
34 counted in that round or any subsequent round. "Exhausted ballot"
35 means a ballot on which there are no choices marked other than
36 choices for eliminated candidates.

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

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