

HOUSE No. 702

By Ms. Story of Amherst, petition of Ellen Story and others for legislation to provide for an “instant runoff voting” system for the ranking of candidates by preference in elections for Constitutional officers of the Commonwealth. Election Laws.

The Commonwealth of Massachusetts

PETITION OF:

Ellen Story	Patricia D. Jehlen
Denise Provost	Peter V. Kocot
Alice K. Wolf	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 2004 Official Edition, is hereby amended by
3 striking out the third sentence.

1 SECTION 2. Said chapter 54 is hereby further amended by
2 inserting 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”, a method of casting and tabulating votes
7 that simulates the ballot counts that would occur if all voters partici-
8 pated in a series of runoff elections with one candidate eliminated
9 after each round of counting.

10 “Advancing candidate”, a candidate who has not been eliminated.

11 “Continuing ballot”, a ballot that is not an exhausted ballot.

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

14 (b) The purpose of this section shall be to require a majority of
15 votes for election to the offices of governor, lieutenant governor,
16 attorney general, secretary of the commonwealth, state treasurer, and
17 state auditor.

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

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

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

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

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

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

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

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

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

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

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

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

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