

HOUSE No. 703

By Ms. Story of Amherst, petition of Ellen Story and others that the Secretary of the Commonwealth be required to promulgate regulations for the implementation of an “instant runoff voting” system providing for preferential voting for Constitutional officers. 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 IN PRIMARY ELECTIONS.

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 2004 Official Edition, is hereby amended by
3 striking out the third sentence and inserting in place thereof the
4 following:—

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

18 “Vote for your first-choice candidate by marking the number ‘1’
19 next to that candidate’s name. In addition to your first choice candi-
20 date, you may rank additional candidates in order of preference.
21 Ranking additional candidates will not affect your first-choice candi-
22 date. Indicate your second choice by marking the number ‘2’ by that
23 candidate’s name, your third choice by marking the number ‘3,’ and
24 so on for as many candidates as you wish. Do not mark the same
25 number beside more than one candidate. Do not skip numbers.”

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

1 SECTION 2. Section 1 of said chapter 50 is hereby amended, by
2 inserting after the definition of “federal act” the following defini-
3 tion:—

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

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

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

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

22 (4) If no candidate receives a majority at the second round of
23 counting, there shall be a third round of counting. The last-place
24 candidate shall be eliminated, and all the continuing ballots shall be
25 recounted. Each continuing ballot shall be counted as one vote for
26 that ballot's highest ranked advancing candidate.

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

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

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

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