

HOUSE No. 713

By Ms. Wolf of Cambridge, petition of Alice K. Wolf and others that the Secretary of the Commonwealth be directed to promulgate regulations for the implementation of an “instant runoff voting” method of preference for candidates for Representative to the United States Congress. Election Laws.

The Commonwealth of Massachusetts

PETITION OF:

Alice K. Wolf
Jay R. Kaufman
Ellen Story

Carl M. Sciortino, Jr.
Patricia D. Jehlen

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO INSTANT RUNOFF VOTING IN CONGRESSIONAL 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 1 of chapter 50 of the General Laws, as
2 appearing in the 2004 Official Edition, is hereby amended by
3 inserting, above paragraph 1 “Alderman” the following para-
4 graph:— “Advancing candidate” shall mean a candidate who has not
5 been eliminated.

1 SECTION 2. Said section 1 of chapter 50, as so appearing, is
2 hereby further amended by inserting, below paragraph 6 “City elec-
3 tion”, but above paragraph 7 “Convention,” the following para-
4 graph:— “Continuing ballot” shall mean a ballot that an election
5 official has not eliminated.

1 SECTION 3. Said section 1 of chapter 50, as so appearing, is
2 hereby further amended by inserting, below paragraph 10 “Election
3 officer”, but above paragraph 11 “Family member,” the following
4 paragraph:— “Exhausted ballot” shall mean a ballot on which there
5 are no choices marked other than choices for eliminated candidates.

1 SECTION 4. Said section 1 of chapter 50, as so appearing, is
2 hereby further amended by inserting, below paragraph 12 “federal
3 act” but above paragraph 13 “listing board,” the following para-
4 graph:— “Instant runoff voting” shall mean a method of casting and
5 tabulating votes that simulates the ballot counts that would occur if
6 all voters participated in a series of runoff elections with one candi-
7 date eliminated after each round of counting. In elections using the
8 Instant Runoff Voting method, voters may rank the candidates in
9 order of preference.

1 SECTION 5. Section 2 of said chapter 50 is hereby amended by
2 striking out the third sentence and inserting the following:

3 This section shall not apply to nominations and elections by ballot
4 at primaries, caucuses or general elections for the United States
5 house of representatives. The Instant Runoff Voting method, as
6 defined in section 1 of chapter 50 shall be the method used for all
7 primaries and elections for the following offices when three or more
8 candidates have qualified to have their names printed on the ballot:
9 United States house of representatives. Ballots shall allow the voter
10 to mark the voter’s first choice in the same manner as that for offices
11 not elected by Instant Runoff Voting.

1 SECTION 6. Chapter 54 of the General Laws, as so appearing, is
2 hereby amended by adding after section 77A the following section:

3 Section 77B.

4 (a) The purpose of this section shall be to require a majority of
5 votes for election to the offices of United States representative.

6 (b) Instant Runoff Voting shall be the method used for all elec-
7 tions to the following offices when three or more candidates have
8 qualified to have their names printed on the ballot for those offices:
9 United States house of representative.

10 (c) In elections using the Instant Runoff Voting method, voters
11 may rank the candidates in order of preference equal to the total
12 number of candidates for each office. A voter may rank a write-in
13 candidate. In all such elections, the count shall proceed in the
14 following manner:

15 (1) The initial round of counting shall be a count of the first
16 choices marked on each ballot. If any candidate receives a majority

17 of the first choices, that candidate shall be deemed and declared
18 elected.

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

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

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

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

36 (6) 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 (7) 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.

42 (d) Ballots shall allow the voter to mark the voter's first choice in
43 the same manner as that for offices not elected by Instant Runoff
44 Voting.

45 (e) Sample ballots illustrating voting procedures shall be posted in
46 or near the voting booth, and shall be included in the instruction
47 packet for absentee ballots. Directions to voters shall conform sub-
48 stantially to the following:

49 "Vote for your first-choice candidate by marking the number '1'
50 next to that candidate's name. In addition to your first choice candi-
51 date, you may rank additional candidates in order of preference.
52 Ranking additional candidates will not affect your first-choice candi-
53 date. Indicate your second choice by marking the number '2' by that
54 candidate's name, your third choice by marking the number '3,' and

55 so on for as many candidates as you wish. Do not mark the same
56 number beside more than one candidate. Do not skip numbers.”

57 (f) The secretary of the commonwealth shall adopt and promul-
58 gate regulations consistent with this section, which regulations shall
59 ensure that ballots shall be simple and easy to understand.

60 (1) The state shall begin using instant runoff voting at the
61 November 2008 general state election.

62 (2) Consistent with section 48 of chapter 54 of the general laws,
63 the secretary of the commonwealth shall conduct a voter education
64 campaign to familiarize voters with instant runoff voting.

65 (3) Consistent with section 32 of chapter 54 of the general laws,
66 the secretary of the commonwealth shall ensure that a city and town
67 has voting technology capable of accommodating instant runoff bal-
68 loting.

69 (4) In accordance with section 60 of chapter 56 of the general
70 laws, if an election official fails to comply with the laws under this
71 section; the secretary of the commonwealth may order the local offi-
72 cial to comply with the law.