

Initials

- (1) YDD
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- (5) SCZ
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- (7) C.C.
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Initiative Petition for a Law to Implement Ranked-Choice Voting in Elections

Be it enacted by the People, and by their authority:

An Act to Implement Ranked-Choice Voting in Elections

SECTION 1.

Section 1 of chapter 50 of the General Laws is hereby amended by inserting after the definition of "Primary" and prior to the definition of "Registrars", the following definition:—

"Ranked-choice voting" means, in the case of elections and primaries for which ballots are prepared in accordance with section 43A of chapter 54, a method of casting and tabulating ballots more particularly described in sections 2A and 2B of chapter 50.

SECTION 2.

Section 2 of said chapter 50 is hereby amended by adding the following sentence to the end of said section:—

The determination of the person receiving the highest number of votes for an office in a ranked-choice voting election or primary shall be governed by sections 2A and 2B of chapter 50.

SECTION 3.

Said chapter 50 is hereby further amended by inserting after section 2 the following section 2A:—

Section 2A. As used in this section and section 2B, unless the context otherwise indicates, the following terms have the following meanings:

"Active preference" means a vote assigned to the highest continuing ranking on a continuing ballot.

"Batch elimination" means the simultaneous defeat of multiple candidates because, with respect to the candidates, one of the following applies:

- (a) The candidate cannot be elected because the candidate's active preference total in a round of ranked-choice voting tabulation plus the total of all continuing ballots that could possibly be transferred

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to the candidate in future rounds from candidates with fewer active preferences or an equal number of active preferences is not enough to surpass the candidate with the next-higher active preference total in the round; or

(b) The candidate has a lower active preference total than a candidate described in subparagraph (a).

"Concluded ballot" means a ballot that does not rank any continuing candidate, contains an overvote at the highest continuing ranking, or contains two or more sequential skipped rankings before its highest continuing ranking.

"Continuing ballot" means a ballot that is not a concluded ballot.

"Continuing candidate" means a candidate who has not been defeated.

"Highest continuing ranking" means the continuing candidate with the highest ranking on a voter's ballot.

"Last-place candidate" means (a) the candidate with the lowest active preference total in a round of the ranked-choice voting tabulation, or (b) a candidate that is defeated in batch elimination.

"Overvote" means a circumstance in which a voter ranks more than one candidate at the same ranking.

"Ranking" means the number assigned on a ballot by a voter to a candidate to express the voter's preference for that candidate. Ranking number one is the highest ranking, ranking number two is the next-highest ranking and so on.

"Round" means an instance of the sequence of voting tabulation steps established in subsection 1 of section 2B.

"Skipped ranking" means a ranking not assigned on a ballot by a voter to any candidate, in the circumstance where a lower ranking is assigned on a ballot by a voter to a candidate.

SECTION 4.

Said chapter 50 is hereby further amended by inserting after section 2A the following section 2B:—

Section 2B. The following applies for determining the results of ranked-choice voting elections and primaries.

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1. Except as provided in subsection 2 below pertaining to ties, the following procedures are used to determine the person receiving the highest number of votes, for purposes of section 2 of chapter 50, in an election or primary for any office elected by ranked-choice voting. Tabulation must proceed in rounds. In a round, the number of active preferences for each continuing candidate must be counted. A continuing ballot counts as one active preference for its highest-ranked continuing candidate for that round. A concluded ballot is not counted for any continuing candidate. The round ends with one of the following:

A. In the first round only, if a candidate receives greater than fifty percent of all active preferences counted in the first round for all candidates, such candidate is determined to be the person receiving the highest number of votes and the tabulation shall end.

B. Otherwise, if there are more than two continuing candidates, the last-place candidate is defeated, or the last-place candidates are defeated in batch elimination, and a new round begins.

C. If there are two or fewer continuing candidates, the candidate with the most active preferences is determined to be the person receiving the highest number of votes and the tabulation shall end.

2. If two or more last-place candidates are tied and batch elimination does not apply, the one with the fewest active preferences in the prior round is defeated. If two or more such tied candidates were tied in the prior round, the second tie shall be decided by referring similarly to the standing of candidates, in terms of active preferences, in the second-prior round. This principle shall be applied successively as many times as may be necessary, a tie shown in any prior round being decided by referring to the standing of the tied candidates in the round immediately preceding the round in which the tie exists.

3. For the purposes of determining the percentage of the entire vote cast in the commonwealth for an office to be filled by all the voters of the commonwealth, as provided in the definition of "political party" in Section 1 of chapter 50, the number of votes cast for a party's candidate for an applicable office elected by ranked-choice voting shall be the number of active preferences credited to that candidate after the initial counting in the first round described in subsection 1 above.

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SECTION 5.

Section 1 of chapter 53 of the General Laws is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:—

A party that makes one or more nominations shall be entitled to have the name of each of its candidates printed on the ballot to be used at the ensuing election; but, unless the nomination is made in a primary for which ballots are prepared in accordance with section 43A of chapter 54 or in several caucuses held in more than one ward or in more than one precinct or group of precincts by direct plurality vote, a certificate of nomination must be filed as provided in section five.

SECTION 6.

Section 2 of said chapter 53 is hereby amended by striking out the second sentence and inserting in place thereof the following two sentences:—

All nominations and elections in primaries for which ballots are prepared in accordance with section 43A of chapter 54 shall use ranked-choice voting for determining the person receiving the highest number of votes. All nominations and elections in caucuses shall be by direct plurality vote.

SECTION 7.

Chapter 54 of the General Laws is hereby further amended by inserting after section 43A the following section 43B:—

Section 43B. All elections and primaries for which ballots are prepared in accordance with section 43A and for which only one person is to be elected shall, for the purposes of section 2 of chapter 50, use ranked-choice voting to determine the person receiving the highest number of votes for an office, except as follows:

(a) Ranked-choice voting shall not be used for the election of presidential electors.

(b) Ranked-choice voting shall not be used for offices described and elected in accordance with section 4 of chapter 34 and section 14E of chapter 71.

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(c) Ranked-choice voting shall not be used in a particular election or primary for offices in which there are two or fewer candidates, as reported by the state secretary pursuant to section 49 of chapter 54.

SECTION 8.

Section 77 of chapter 54 of the General Laws is hereby amended by striking the phrase “marking a cross (X) in the square at the right of the name of each candidate for whom he intends to vote” and inserting in place thereof the following phrase: “marking the ballot in a manner prescribed by the state secretary by regulation”.

SECTION 9.

Section 78 of chapter 54 of the General Laws is hereby amended by striking the phrase “mark a cross (X) in the square at the right of the names of the group of candidates for said offices for whom he desires to vote” in the third sentence and inserting in place thereof the following phrase: “mark the ballot in a manner prescribed by the state secretary by regulation”.

SECTION 10.

Chapter 54 of the General Laws is hereby further amended by inserting after section 105A the following section 105B:—

Section 105B. For all elections or primaries using ranked-choice voting under section 43B, the state secretary shall establish a central tabulation facility for the purpose of tabulating active preferences after the first round of counting is completed pursuant to sections 33H and 105.

In the case of an election or primary where the person receiving the highest number of votes is not determined under paragraph 1A of section 2B of chapter 50, and notwithstanding any provision any general, special, or local law to the contrary, the record of all ballots cast in the elections or primaries shall be delivered to the central tabulation facility established under this section as follows:

A. For ballots counted under section 33H, the city or town clerk shall deliver the cast vote records, meaning a data record of each ranking marked of each ballot cast, whether in electronic, paper or other form, by secure means as established and approved by the state secretary by regulation, or otherwise as described in section 105A. For ballots that are not included in the cast vote records,

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such as a ballot that is rejected by a computer or counting unit, or that is mutilated so that it cannot be inserted in a computer or counting unit, the ballots shall be entered into the cast vote records in a manner that can be observed by two inspectors of different political parties, so as to be delivered in the full cast vote record.

B. For ballots counted under section 105, notwithstanding the requirements to place all election material in a locked facility, the city or town clerk shall deliver all cast ballots including absentee ballots by secure means as established and approved by the state secretary by regulation, or otherwise as described in section 105A.

For the central tabulation facility designated under this section, the state secretary shall appoint the following election officers: a warden, a deputy warden, a clerk and deputy clerk and as many inspectors and deputy inspectors as the state secretary determines are necessary.

Each chair of a state committee may appoint in writing a person the chair considers to be a computer expert to monitor the electronic counting of ballots at the central tabulation facility. The expert shall be assigned by the presiding officer to a position within the center that will enable the expert to observe all operations.

The state secretary shall be the presiding officer at the central tabulation facility and shall assign to the election officers such duties as will ensure the accurate and complete tabulation of the ballots in accordance with rules and regulations for the operation of such tabulation center promulgated by the office of the state secretary.

Through means established by the state secretary, the rankings shown on each ballot for each election or primary subject to tabulation under this section shall be converted into a machine readable form. The converted ballots shall then be entered in a computer the state secretary considers capable of conducting the tabulation process described in section 2B of chapter 50. Upon completion of all rounds of tabulation, the state secretary, or an election officer designated by the state secretary, shall publicly and in the presence of the other election officers, audibly and distinctly, announce the number of active preferences cast for each continuing candidate in each round for each office being tabulated at the central tabulation facility. The state secretary shall further examine all original and all additional copies of the records and

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make them part of the records of such election or primary, and shall certify and attest copies of the records of votes for the several candidates in each round of tabulation.

SECTION 11.

Section 135 of said chapter 54 is hereby amended by adding the following paragraph after the seventh paragraph of said section:

In the case of state-wide or district-wide recounts, as described in the preceding two paragraphs, in elections or primaries subject to ranked-choice voting and where ballots are to be or have been tabulated in a central tabulation facility pursuant to section 105B, the time for filing a petition for a recount shall be extended to on or before five o'clock post meridian on the third day following the announcement of the results of tabulation conducted pursuant to section 105B if the time for filing otherwise provided in this section would have otherwise already expired by such extended date.

SECTION 12.

The state secretary shall promulgate by October 1, 2021, regulations consistent with this act and that ensure that ballots using ranked-choice voting shall be simple and easy to understand. In addition, the state secretary shall conduct a voter education campaign to familiarize voters with ranked-choice voting.

SECTION 13.

This act applies to elections and primaries held on or after January 1, 2022.

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