

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Ellen Story

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:
An Act relative to voting by the Instant Runoff Voting method in primary elections.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Peter v. Kocot	1st Hampshire
Ellen Story	3rd Hampshire
Denise Provost	27th Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 703 OF 2007-2008.]

The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine
—————

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 appearing in the 2004 Official Edition, is
2 hereby amended by striking out the third sentence and inserting in place thereof the following:-

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

12

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

19
20 The secretary of the commonwealth shall adopt and promulgate regulations consistent with this section,
21 which regulations shall ensure that ballots shall be simple and easy to understand. As soon as practicable,
22 the secretary of the commonwealth shall ensure that all voting equipment in the commonwealth is
23 capable of effecting Instant Runoff Voting. In addition, the secretary of the commonwealth shall conduct
24 a voter education campaign to familiarize voters with Instant Runoff Voting.

25
26 SECTION 2. Section 1 of said chapter 50 is hereby amended, by inserting after the definition of “federal act” the
27 following definition:-

28
29 “Instant Runoff Voting”, a method of casting and tabulating votes that simulates the ballot counts that
30 would occur if all voters participated in a series of runoff elections with one candidate eliminated after
31 each round of counting. In elections using the Instant Runoff Voting method, voters may rank the
32 candidates in order of preference. In all such elections, the count shall proceed in the following manner:

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

35 (2) If no candidate receives a majority of first choices, there shall be a second round of counting. The
36 last-place candidate shall be eliminated, and all the continuing ballots shall be recounted. "Continuing
37 ballot" means a ballot that is not an exhausted ballot.

38 (3) Each continuing ballot shall be counted as one vote for that ballot's highest ranked advancing
39 candidate. "Advancing candidate" means a candidate who has not been eliminated.

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

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

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

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

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