

**HOUSE . . . . . No.**

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**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.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Peter v. Kocot	1st Hampshire
Ellen Story	3rd Hampshire
Denise Provost	27th Middlesex
Tom Sannicandro	7th Middlesex
Cleon H. Turner	1st Barnstable

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 702 OF 2007-2008.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand and Nine**

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**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 appearing in the 2004  
2 Official Edition, is hereby amended by striking out the third sentence.

3           SECTION 2. Said chapter 54 is hereby further amended by inserting after section 78A the  
4 following section 78B:—

5           (a) Definitions.

6           The following terms as used in this section shall, unless the context requires otherwise,  
7 have the following meanings:—

8           “Instant Runoff Voting”, a method of casting and tabulating votes that simulates the  
9 ballot counts that would occur if all voters participated in a series of runoff elections with  
10 one candidate eliminated after each round of counting.

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

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

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

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

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

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

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

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

32 (3) If no candidate receives a majority at the second round of counting, there shall be a  
33 third round of counting. The last-place candidate shall be eliminated, and all the  
34 continuing ballots shall be recounted. Each continuing ballot shall be counted as one vote

35 for that ballot's highest ranked advancing candidate.

36 (4) The process of eliminating the last-place candidates and recounting all the continuing  
37 ballots shall continue until one candidate receives a majority of the votes in a round. The  
38 candidate who receives a majority of the votes in a round shall be deemed and declared to  
39 be elected.

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

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

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

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

50 (f) Sample ballots illustrating voting procedures shall be posted in or near the voting  
51 booth, and shall be included in the instruction packet for absentee ballots. Directions to  
52 voters shall conform substantially to the following:

53 "Vote for your first-choice candidate by marking the number '1' next to that candidate's  
54 name. In addition to your first choice candidate, you may rank additional candidates in  
55 order of preference. Ranking additional candidates will not affect your first-choice  
56 candidate. Indicate your second choice by marking the number '2' by that candidate's  
57 name, your third choice by marking the number '3,' and so on for as many candidates as

58           you wish. Do not mark the same number beside more than one candidate. Do not skip  
59           numbers.”

60           (g) The secretary of the commonwealth shall adopt and promulgate regulations consistent  
61           with this section, which regulations shall ensure that ballots shall be simple and easy to  
62           understand. As soon as practicable, the secretary of the commonwealth shall ensure that  
63           all voting equipment in the commonwealth is capable of effecting Instant Runoff Voting.  
64           In addition, the secretary of the commonwealth shall conduct a voter education campaign  
65           to familiarize voters with Instant Runoff Voting.