

ORDERED:

That a petition to the General Court, accompanied by a bill for a special law relating to the City of Boston to be filed with an attested copy of this Order be, and hereby is, approved under Clause One (1) of Section Eight (8) of Article Two (2), as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, that this legislation be adopted precisely as follows, except for clerical or non-substantive changes of form only:

PETITION FOR A SPECIAL LAW RE: AN ACT TO IMPLEMENT RANKED CHOICE VOTING IN BOSTON**SECTION 1.** Definitions.

For the purposes of this Act, the following terms have the following meanings:

1. “Active candidate,” any candidate who has not been eliminated or elected, and is not a withdrawn or deceased candidate.
2. “Election threshold,” the number of votes sufficient for a candidate to be elected in a multi-winner election.
3. “Highest-ranked active candidate,” the active candidate assigned to a higher ranking than any other active candidate.
4. “Ranking,” the number available to be assigned by a voter to a candidate to express the voter’s preference for that candidate. The number “1” is the highest ranking, followed by “2” and then “3” and so on.
5. “Round,” an instance of the sequence of voting tabulation described in section 3(a) for single-winner contests or section 3(b) for multi-winner contests.
6. “Withdrawn candidate,” a candidate who has filed (or had an authorized designee file) a signed letter of withdrawal prior to election day according to Massachusetts law, and where a certificate of substitution has not been filed according to Massachusetts law to fill the vacancy.
7. “Deceased candidate” means a candidate who has died after five o’clock in the afternoon on the twelfth Tuesday preceding the preliminary election, and where a certificate of substitution has not been filed according to Massachusetts law to fill the vacancy.

8. "Regular election" means the biennial election held in the City of Boston in odd-numbered years, as provided in Section 21 of Chapter 452 of the Acts of 1948, as amended by Chapter 376 of the Acts of 1951, excluding preliminary elections.
9. "Special election" means an election held outside the regular biennial cycle to fill a vacancy or for any other municipal electoral purpose, as provided in Chapter 452 of the Acts of 1948, Sections 13 and 13A, and Chapter 233 of the Acts of 1993.
10. "Write-in" means ballots for Mayor and District City Councilor must have one blank space. Ballots for City Councilor At-Large must have four blank spaces, or blank spaces equal to the number of seats to be elected to such office.

SECTION 2. General Provisions.

- (a) Notwithstanding the provisions of chapter 452 of the Acts of 1948, or any other general or special law, rule, or regulation to the contrary, all regular and special elections in the city of Boston for the positions of mayor and district city councillor involving three or more qualified candidates, and all regular elections for the position of city councillor-at-large, shall be conducted by ranked choice voting. In any contest using ranked choice voting, the general election ballot shall allow voters to rank four candidates, including write-in lines, in order of preference.
- (b) Section 64 of chapter 452 of the Acts of 1948, as so appearing in Section 2.64 of chapter 376 of the Acts of 1951, is hereby amended by striking out, in line 4, the words "blank spaces equal to the number for which a voter may vote for such office" and inserting in place thereof the following words:

blank spaces equal to the number of seats to be elected to such office

- (c) Section 16 of chapter 452 of the Acts of 1948, as inserted by Section 2.15 of Chapter 376 of the Acts of 1951, so appearing in Section 1.15 of chapter 233 of the Acts of 1993, is hereby amended by adding between the first sentence and the second sentence the following sentence:

The number of votes a defeated candidate received shall be the number of votes the candidate had in the last round of tabulation before the candidate was eliminated, as described by Section 3(b) of this Act and any implementing regulations.
- (d) Section 60 of chapter 452 of the Acts of 1948, as so appearing in Section 2.59 of Chapter 376 of the Acts of 1951, as so amended by section 9 of chapter 342 of the Acts of 1983, is hereby amended by deleting the first two sentences in their entirety and by replacing them with the following sentences:

At every election conducted by ranked choice voting, each voter shall be entitled to submit one vote with up to four rankings for each office. At every municipal election not conducted by ranked choice voting, each voter shall be entitled to vote for not more than one candidate for the office of mayor and district city councillor and not more than four candidates for the office of city councillor-at-large. The elections commission shall establish rules for what instructions shall be printed on the ballot to inform voters how to fill out the ballot.

SECTION 3. Preliminary Elections.

- (a) Section 58 of chapter 452 of the Acts of 1948, as appearing in Section 2.57C of Chapter 376 of the Acts of 1951, as so appearing in section 7 of chapter 342 of the Acts of 1983, is hereby amended by striking out, in line 22, the word “two” and inserting in place thereof the following word: four.
- (b) Section 60 of chapter 452 of the Acts of 1948, as so appearing in Section 2.61 of chapter 376 of the Acts of 1951, is hereby amended by striking out, in line 1, the word “two”, and inserting in place thereof the following word: four.
- (c) Said Section 60 of Chapter 452 of the Acts of 1948, as so appearing in Section 2.61 of Chapter 376 of the Acts of 1951, is hereby further amended by striking out, in line 19, the words “twice the number to be elected”, and by inserting in place thereof the following words:

the number of names that would have been printed in the event of no tie vote.

- (d) Section 16 of chapter 452 of the Acts of 1948, as inserted by Section 2.15 of Chapter 376 of the Acts of 1951, as so appearing in section 1.15A, of chapter 233 of the Acts of 1993, is hereby amended by striking out, in line 7 the word “two”, and inserting in place thereof the following word: four.

SECTION 4. Tabulation of Ranked Choice Ballots.

Notwithstanding the provisions of Chapter 452 of the Acts of 1948, or any other general or special law, rule, or regulation to the contrary, votes in ranked choice voting contests shall be tabulated as follows:

- (a) Single-Winner Tabulation. In all contests for mayor and district city councillor conducted by ranked choice voting, each ballot shall count as one vote for the highest-ranked active candidate on that ballot. The candidate with the greatest number of votes at the end of tabulation is elected. Tabulation shall proceed in rounds as follows:

- i. If there are more than two active candidates, the active candidate with the fewest votes is eliminated, and votes for the eliminated candidate are counted for each ballot's next-ranked active candidate.
- ii. If there are two or fewer active candidates, tabulation is complete.

(b) Multi-Winner Tabulation. In all contests for City Councilor At-Large conducted by ranked choice voting, each ballot shall count in whole or in part for the highest-ranked active candidate on that ballot. In the first round, each ballot shall count as one vote for its highest-ranked active candidate, and the election threshold shall be determined by dividing the number of votes cast by five, rounding down to the nearest whole number, and adding one. Tabulation shall proceed in rounds as follows:

- i. If the number of active candidates is equal to the remaining number of seats to be elected, all active candidates shall be elected, and tabulation shall be complete.
- ii. If an active candidate has a number of votes that equals or exceeds the election threshold, the active candidate with the most votes shall be elected. If the elected candidate has a number of votes that exceeds the threshold, the excess part of each vote received by that candidate shall count in the next round for the ballot's next-ranked active candidate (i.e., the voter's second, third, etc. ranked-candidate on the ballot).
- iii. If no active candidate equals or exceeds the election threshold, the candidate with the fewest votes shall be defeated and a new round shall begin. The excess part of each vote received by that candidate shall count in the next round for the ballot's next-ranked active candidate (i.e., the voter's second, third, etc. ranked-candidate on the ballot).
- iv. Once the tabulation process has proceeded through successive rounds such that either the number of active candidates equals the remaining number of seats to be filled, or no further vote transfers are possible due to exhausted ballots or the absence of additional ranked candidates, the contest shall be concluded.

(c) Treatment of Ballots.

- i. An undervote is a ballot that does not rank any candidates in a particular contest. An undervote does not count as an active or inactive ballot in any round of tabulation of that contest.
- ii. An inactive ballot is a ballot that ceases in a round of tabulation to count for any candidate for the remainder of the tabulation of the contest because either:
 - (A) All candidates ranked on the ballot have become inactive; or
 - (B) The ballot includes an overvote and any candidates ranked higher than the overvote have become inactive. An overvote occurs when a voter ranks more than one candidate at the same ranking.
- iii. During tabulation, a ballot shall remain active and continue to count for its highest-ranked active candidate notwithstanding any skipped or repeated rankings on the ballot. A skipped ranking occurs when a voter leaves a ranking

unassigned but ranks a candidate at a subsequent ranking. A repeated ranking occurs when a voter ranks the same candidate at multiple rankings.

(d) Ties. If two or more candidates are tied with the fewest votes, and tabulation cannot continue until the candidate with the fewest votes is eliminated, then the candidate with the fewest votes in the prior round shall be 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 number of votes for each candidate in the second-prior round. This process shall be applied successively as many times as necessary. If otherwise not provided herein, the election commission shall establish a method of tiebreaking to be used.

SECTION 5. Results Reporting.

Notwithstanding the provisions of section 60 of chapter 452 of the Acts of 1948, as so appearing in section 2 of chapter 376 of the Acts of 1951; or any other general or special law, rule, or regulation to the contrary, votes in ranked choice voting contests shall be reported as follows:

- (a) Unofficial Results. The election commission shall promulgate rules or guidance to ensure the release of unofficial election results on election night, including round-by-round results for each ranked choice contest. The commission shall make best efforts to publish initial unofficial results on election night, as soon as they become available. Unofficial results shall be clearly marked as preliminary and subject to revision.
- (b) Final Results. In addition to any other information required by law to be reported with official final results, the election commission shall make public:
 - i. the number and percentage of votes that each candidate received in each round of the official tabulation; and
 - ii. the number of ballots that became inactive in each round for the reasons set out in section 4(c)(2), reported as separate figures.
 - iii. The election commission shall make final anonymized results and data available in both human-readable and machine-readable formats to allow for independent verification, consistent with applicable law.

SECTION 6. Regulatory Authority.

The election commission shall have the authority to promulgate whatever rules are necessary to implement this Act.

The election commission shall ensure that ranked choice ballots are easy to understand, contain instructions to minimize any potential for voter confusion, and include clear instructions on how to rank candidates.

The election commission shall ensure that an appropriate ranked choice voter education campaign is conducted before each municipal election, and shall include outreach in multiple languages and is consistent with the City's language access and disability policies.

SECTION 7. Severability.

If any provision of this Act, or the application of any provision of this Act to any person, office, or circumstance, is held to be unconstitutional, the remainder of this Act and the application of its provision to any person, office, or circumstance, shall not be affected by the holding.

SECTION 8. Voter Acceptance and Effective Date.

Upon passage of this Home Rule Petition by the Massachusetts legislature, the following question shall be placed on the ballot to be used at a regular state or municipal election or a special election called for the purpose of presenting the question to the voters, as hereby stated below:

Shall an act *entitled "An Act to Implement Ranked Choice Voting for the City of Boston"* be accepted?

The city law department shall prepare the summary of the question, which shall appear on the ballot along with the question provided in this section subject to any necessary changes required by law.

If a majority of votes cast in answer to the question is in the affirmative, the city shall be taken to have accepted the Act, but not otherwise. The Act shall take effect immediately upon approval of said question; provided, however, that it shall be applicable only to municipal elections in which the regular or special election for that contest is 365 days or more after the day the Act is accepted.