

OFFERED BY COUNCILORS RUTHZEE LOUIJEUNE, JULIA MEJIA, HENRY SANTANA, BREADON, FERNANDES ANDERSON, PEPÉN, WEBER, AND WORRELL



**CITY OF BOSTON**

**IN THE YEAR TWO THOUSAND TWENTY FOUR**

**HOME RULE PETITION**

**WHEREAS,** Ranked Choice Voting (RCV) empowers voters to express their preferences more fully by ranking candidates in order of preference, enhancing the expressive quality of the voting process; *and*

**WHEREAS,** RCV ensures that elections are decided by candidates who have broad consensus support, thereby reinforcing the legitimacy and acceptance of election outcomes; *and*

**WHEREAS,** This voting method minimizes strategic voting, as voters can support their preferred candidate without fear that their choice might inadvertently benefit less favored candidates; *and*

**WHEREAS,** RCV can lead to a more diverse group of candidates choosing to run for office, as the system's inclusive nature reduces barriers to entry by diminishing the fear of marginalization from split allegiances; *and*

**WHEREAS,** RCV encourages candidates to campaign positively and build alliances with other candidates' supporters to garner second-choice rankings, promoting a more constructive and less adversarial political dialogue; *and*

**WHEREAS,** The flexibility of RCV allows voters to support their true first-choice candidate without concern for electoral viability, fostering a political environment where ideas can be judged on their merit rather than electoral practicality; *and*

**WHEREAS,** Moving from the current "Top-two" to a "Top-four" system can be accomplished with just three simple changes: 1) Promote four, rather than two, candidates from preliminary elections for mayor and district city councilor, 2) Allow voters to rank up to four candidates on their ballot for all general elections for mayor and city councilors, and 3) use standard ranked ballot tabulation methods appropriate to the number of seats being elected; *and*

**WHEREAS,** A "Top-four" system would lower the chances of non-incumbents or newer candidates from theoretically harming another more established candidate's

chances of winning. When candidates like these do not run, many in the community are disappointed and the democratic process loses what may be an important perspective; *and*

**WHEREAS,** Studies have shown that RCV can help to reduce polarization in politics by rewarding candidates who can appeal to a wider range of the electorate, thus enhancing overall political stability and satisfaction; *and*

**WHEREAS,** The adoption of RCV is associated with higher levels of voter engagement and satisfaction, as the system provides a more satisfying and representative voting experience; *and*

**WHEREAS,** RCV has been adopted across various municipalities and jurisdictions in the United States, including in New York, California, Hawaii, and Maine, demonstrating its versatility and effectiveness in enhancing voter choice and satisfaction, which is evident from its implementation in cities that have seen increased voter engagement and reduced electoral polarization; *and*

**WHEREAS,** The question of ranked-choice voting was previously on the state ballot in 2020 and ultimately failed, with 55% of Massachusetts voters statewide voting no, yet 62% of Boston residents voted in support of moving to ranked-choice voting; *and*

**WHEREAS,** The implementation of RCV is a testament to the commitment of a democracy to adapt and evolve its electoral systems to better meet the needs of its citizenry, reflecting a responsive approach to governance; *and*

**WHEREAS,** Ranked Choice Voting promotes fair and representative elections by allowing voters to rank candidates in order of preference, which supports a more democratic process by enabling the election of candidates who can command a broad consensus among voters, and leads to a higher representation of traditionally underrepresented groups in elected positions, thereby making the electoral process more inclusive and reflective of the community; ***NOW, THEREFORE BE IT***

**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, provided that the Legislature may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition:

# PETITION FOR A SPECIAL LAW RE: AN ACT RELATIVE TO 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.

## **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 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 15 of chapter 452 of the Acts of 1948, as so appearing in section 1 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 59 of chapter 452 of the Acts of 1948, as so appearing in 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 other municipal election, 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 57C of chapter 452 of the Acts of 1948, 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 61 of chapter 452 of the Acts of 1948, as so appearing in section 2 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 61 of chapter 452 of the Acts of 1948, as so appearing, 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 15A of chapter 452 of the Acts of 1948, as so appearing in section 1 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:

- (1) 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.
- (2) If there are two or fewer active candidates, tabulation is complete.

**(b) Multi-Winner Tabulation.** In all contests for city councillor-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. 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. Any candidate who receives a number of votes equal to or exceeding the election threshold shall be declared elected. If a candidate exceeds the election threshold, the excess part of each vote received by that candidate shall instead be counted for each ballot's next-ranked active candidate. When a candidate is eliminated, votes shall be counted for each ballot's next-ranked active candidate. The election commission shall establish and publish uniform rules and best practices for the administration of multi-winner ranked choice voting contests.

**(c) Treatment of Ballots.**

- (1) 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.
- (2) 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.
- (3) 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. The election commission shall establish a method of tiebreaking that will be used if two or more candidates are tied with the fewest votes in the first round of tabulation.

## **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 results after the polls close, including round-by-round results, which shall be first released as soon as a reasonable number of precincts have reported but shall make the best effort to provide by 11:59PM on election night.
- (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:
  - (1) the number and percentage of votes that each candidate received in each round of the official tabulation; and
  - (2) the number of ballots that became inactive in each round for the reasons set out in section 3(c)(2), reported as separate figures.

## **SECTION 6. Regulatory Authority.**

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

## **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.**

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:

*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.

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.