

ARTICLE 22

TWENTY-SECOND ARTICLE

Submitted by: C. Scott Ananian, on behalf of the Ranked Choice Voting Study Committee

To see if the Town will authorize the Select Board to petition the General Court for a special act providing for the use of ranked choice voting in Brookline municipal elections, in the following form, and authorize the General Court to make any revisions that are necessary or appropriate to the form of such bill.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

**“AN ACT RELATIVE TO RANKED CHOICE VOTING IN THE TOWN  
OF BROOKLINE” SECTION 1. RANKED CHOICE VOTING**

(a) For the purposes of this section, the following terms shall have the following meanings, unless the context clearly requires otherwise:

“Batch elimination” is the simultaneous defeat of multiple candidates for whom it is mathematically impossible to be elected.

"Concluded ballot," a ballot that does not rank any continuing candidate or contains an overvote at the highest-ranked continuing candidate, or contains 2 or more sequential skipped rankings before its highest-ranked continuing candidate.

"Continuing candidate," a candidate who has not been defeated or elected.

“Election threshold,” the number of votes sufficient for a candidate to be elected in a multi-seat election. It is calculated by dividing the total number of votes counting for continuing candidates in the first round by the sum of the number of seats to be elected and 1, disregarding any fractions, and then adding 1.

"Highest-ranked continuing candidate," the continuing candidate with the highest ranking on a voter's ballot.

"Last-place candidate," (i) the candidate with the lowest vote total in a round of the ranked-choice voting tabulation; or (ii) a candidate that is defeated in batch elimination.

"Overvote," a circumstance in which a voter ranks more than 1 candidate at the same ranking.

“Plurality voting,” the voting system in which the candidate receiving the most votes is declared the winner, even if such candidate does not receive a majority of the votes cast in the election.

“Ranked choice voting,” a method of casting and tabulating ballots in which voters

rank candidates for office in order of preference.

"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 1 shall be the highest ranking, ranking number 2 shall be the next-highest ranking, and so on.

"Skipped ranking", a circumstance in which a voter does not use a ranking and ranks a candidate with a subsequent ranking.

"Surplus fraction," the number equal to the difference between an elected candidate's vote total and the election threshold, divided by the candidate's vote total.

"Transfer value," the proportion of a vote that a ballot will count to its highest-ranked continuing candidate. Each ballot shall begin with a transfer value of 1. If a ballot counts to the election of a candidate under subsection (d)(1), it receives a lower transfer value.

(b) All town-wide offices and Town Meeting Members shall be elected by ranked choice voting at the annual election, and in any special election called pursuant to MGL Chapter 41 Section 10.

Ranked choice voting shall apply to a single-seat office only when the number of candidates exceeds 2 and to a multi-seat office only when the number of candidates exceeds the number of seats to be elected. Plurality voting should be used when ranked choice voting cannot be conducted.

(c) In any single-seat election, each round shall begin by counting the number of votes for each continuing candidate. Each ballot shall count as 1 vote for its highest-ranked continuing candidate. Concluded ballots shall not be counted for any continuing candidate. Each round shall proceed sequentially as follows:

(1) If there are 2 continuing candidates, the candidate with the most votes shall be elected, and tabulation shall be complete.

(2) Otherwise, the last-place candidate shall be defeated, or the last-place candidates shall be defeated in batch elimination, and a new round shall begin.

(d) In any multi-seat election, each round shall begin by counting the number of votes for each continuing candidate. Each ballot shall count, at its current transfer value, for its highest-ranked continuing candidate. Concluded ballots shall not count for any continuing candidate. In the first round only, the election threshold shall then be calculated. Each round shall proceed sequentially as follows:

(1) If the sum of the number of elected candidates and continuing candidates is equal to the number of seats to be filled, then all continuing candidates shall be elected, and tabulation shall be complete.

(2) If at least 1 continuing candidate has more votes than the election threshold, then all such candidates shall be elected. If the number of elected candidates is equal to the number of

seats to be filled, then tabulation shall be complete. Otherwise, each ballot counting for an elected candidate shall be assigned a new transfer value by multiplying the ballot's current transfer value by the surplus fraction for the candidate. Each elected candidate shall be deemed to have a number of votes equal to the election threshold in all future rounds, and a new round shall begin.

(2) Otherwise, the last-place candidate shall be defeated, or the last-place candidates shall be defeated in batch elimination, and a new round shall begin.

(e) Batch elimination shall apply to the largest possible group of continuing candidates such that the sum of the votes of candidates in the group is less than the individual number of votes of every continuing candidate not in the group, and provided that the number of continuing candidates not in the group is at least 1 more than the remaining number of positions to elect.

(f) The Town Clerk, subject to approval by the Board of Registrars, will establish a method of tiebreaking that will be used if 2 or more last-place candidates are tied and batch elimination does not apply. The results of any such tiebreaking events must be recorded and reused in the event of a recount. The method for tiebreaking may be amended from time to time, but shall not be amended during the course of an election, including any and all recounts.

(g) When a skipped ranking or repeat candidate ranking is encountered on a ballot, that vote shall count towards the highest continuing ranking. In the case of an overvote involving two or more continuing candidates, the overvote candidates and all subsequently ranked candidates will be disregarded. If any vote cannot be advanced because no further continuing candidates are ranked on that ballot, that ballot shall be declared concluded for that contest.

(h) As used in section 4 of chapter 43A, the "order of votes received" by candidates in a ranked choice voting election shall mean the order in which candidates are elected. If multiple candidates are elected in the same round, the respective order of elected candidates in that round shall mean the order of votes received by those candidates at the end of the round.

(i) The Town Clerk, subject to approval by the Board of Registrars, may make any changes to the ranked choice voting ballot and tabulation process necessary to ensure the integrity and smooth functioning of the election, provided that ranked choice voting shall still be used and the fewest number of changes are made to achieve such purpose.

(j) In any election conducted using Ranked-Choice Voting, as may be authorized by the State, the Town Clerk shall publish election results that show the tabulations by rounds, along with any additional information that may be required by the Town bylaws.

(k) The Town Clerk shall provide educational materials to voters in accordance with any applicable Town bylaws.

(l) Not sooner than four years after acceptance of this section, a proposal to discontinue

the use of Ranked Choice Voting may be put on the Warrant for Town Meeting by a petition signed by at least ten registered voters of Brookline. In the alternative, not sooner than four years after acceptance of this section, the question may be so placed on said ballot when a petition signed by at least ten per cent of the registered voters of Brookline requesting such action is filed with the registrars, who shall have seven days after receipt of such a petition to certify the signatures. Upon passage in Town Meeting or upon certification of the signatures, the Town Clerk shall cause the question to be placed on the ballot at the next regular municipal election held more than thirty-five days after such passage or certification. Upon the defeat by the voters of the above described ballot question, another proposal to discontinue the use of Ranked Choice Voting may not be placed on the ballot for four years thereafter. Not sooner than four years after a successful vote to discontinue the use of Ranked Choice Voting, the procedures in the paragraph above may be used to resume the use of Ranked Choice Voting.

## SECTION 2.

Notwithstanding the provisions of applicable provisions of chapters 53 and 54 of the general laws, Ranked-choice voting ballots for use in the Town of Brookline municipal elections shall be prepared according to a format meeting the below requirements and otherwise consistent with state law.

a) To the extent possible, a ranked choice voting ballot shall allow voters to rank as many choices as there are candidates. If the voting equipment is unable to reasonably accommodate a number of rankings on the ballot equal to the number of candidates, the Board of Registrars of Voters may limit the number of choices a voter may rank to the maximum number allowed by the voting equipment. A ranked choice voting ballot shall not interfere with a voter's ability to rank at least 1 write-in candidate.

b) The ballot must indicate the number of seats to be filled for each contest.

c) For each election where Ranked Choice Voting is used and the number of candidates exceeds two, the Board of Registrars shall randomly draw lots prior to the printing of ballots so as to determine the order in which the names of candidates shall appear on the ballot. To the name of a candidate for Town office who is an elected incumbent thereof shall be added the words 'Candidate for Reelection'.

d) The ballot must comply with all otherwise applicable provisions of the General Laws and the regulations promulgated thereunder.

SECTION 3. If any part of this Act is declared unconstitutional by a court of competent jurisdiction, the remaining parts shall survive in full force and effect. If a conflict arises between this Act and any other provision of law, the policies and purposes of this Act shall govern.

SECTION 4. This act shall take effect upon the acceptance by the Town of Brookline by the affirmative vote of a majority of voters at any regular or special election at which the question of acceptance is placed on the ballot.

*Or act on anything relative thereto.*

---

### PETITIONER'S ARTICLE DESCRIPTION

This article is filed on behalf of the Ranked Choice Voting Study Committee,<sup>1</sup> charged by the Select Board on Jan 25, 2022 pursuant to Warrant Article 18 of the November 2020 Town Meeting which passed 187-34-10.<sup>2</sup> The committee was charged “to study the potential options for adoption of Ranked-Choice Voting (RCV) for Town Elections. The goal of the committee should be to recommend best practices for Ranked-Choice Voting in Town and to explore the different options for RCV including benefits and challenges.” This warrant article embodies the committee’s recommendations on several of its charged tasks, including:

- “specific recommendations, where appropriate, on the use, or not, of Ranked-Choice Voting for each Town-wide office”
- “specific recommendations, where appropriate, on the use, or not, of Ranked-Choice Voting for Town Meeting Member elections”
- “a process to be used for multi-winner elections, whether iterated one-winner election, a proportional system, or another”
- “specific recommendations on implementation via Home Rule Petition”
- implicitly, “a time frame for potential implementation”

The committee’s charge included the requirement to conduct a public hearing at which its recommendations were presented and comments from the public were solicited. This hearing took place on February 13, 2023, and the recording is available on the Town’s website.<sup>3</sup>

The committee is also charged with producing a final report. The final report will incorporate feedback from the warrant article review process and Town Meeting.

---

<sup>1</sup> Voting members of the committee: C. Scott Ananian (chair), Cathleen Cavell (through Oct 2022), Joan Lautenschleger, Alexander Neary, Joan Sawyer, Isaac Silberberg, Jay Sweitzer-Shalit, Mike Sandman (Select Board representative), Ben Kaufman (Town Clerk). Additionally members of Town Meeting and a representative of Voter Choice MA attended many meetings.

<sup>2</sup> A competing amendment sought to modify the charge to “whether or not to adopt Ranked Choice Voting”; this amendment was defeated 88-139-4. Accordingly, this report and these warrant articles present the committee’s recommendations regarding the best way for the Town to adopt RCV; it is up to Town Meeting to debate “whether or not” by passing, or not, these warrant articles.

<sup>3</sup> <https://www.brooklinema.gov/2077/Ranked-Choice-Voting-Study-Committee>

### History

In November 2020, “Massachusetts Question 2”, a ballot initiative for state-wide RCV,<sup>4</sup> failed statewide but Brookline voted 70% in favor of the measure. Not long thereafter, Warrant Article 18 was brought before the November 2020 Town Meeting, and passed 187-34-10. Warrant Article 18 asked for the Ranked Choice Voting Study Committee to be formed. After some delays, on Jan 25, 2022 the Select Board passed the charge to the committee, and in June and July of 2022 interviewed and then named the members of the committee. The Ranked Choice Voting Study Committee (hereafter, the “Committee”) held its first official meeting August 25, 2022,<sup>5</sup> and has been meeting roughly weekly since.

### Procedure

The Committee began by assembling similar warrant articles and home rule petitions from Arlington (H.4207), Northampton (H.4885), Easthampton (S.2331), Concord (HD.5329) and Amherst (H.777). Draft legislation was also contributed by Greg Dennis of Voter Choice MA. From commonalities and differences in these articles, as well as committee member suggestions, the committee drew up a list of essential topics for consideration and decisions to make, as well as a draft legislation skeleton combining all the language alternatives from similar articles.

In the Committee’s weekly meetings it has progressed methodically through this list to discuss the pros and cons of the alternatives and come to consensus on the language presented to Town Meeting in this article.

The committee does not have complete unanimity on one point. The application of RCV specifically to the election of Town Meeting Members was not recommended unanimously, although it was recommended by a majority of the Committee. The Discussion section contains further details.

### Background

Under RCV, voters rank the candidates in order of preference. Votes are counted in successive rounds; in each round, candidates with the fewest first choice votes are eliminated and those ballots for these candidates are distributed to each voter’s next preference until each person elected receives a proportional majority of the vote.

Advantages of RCV are that it

- promotes majority support in elections with more than two candidates for a single seat because the ultimate winner must have received more than 50% of the vote;
- promotes reflective representation in multi-winner contests by allowing diverse groups of voters to elect candidates of choice;
- promotes diversity and encourages more third-party participation by reducing concern that vote splitting by either third-party candidates or similar candidates of the same party will lead to an undesirable outcome;

---

<sup>4</sup> Restricted to single-winner contests in primary and general elections for statewide offices, state legislative officers, and congressional offices.

<sup>5</sup> Committee members attempted to meet on August 14, 2022 but due to organizational oversights the members had not been sworn in and an official meeting was not held.

- allows voters to vote for their preferred candidates without worry that they are either wasting their vote or reducing the electoral chances of their next-preferred candidate
- reduces negative campaigning and polarization by broadening the base candidates must capture to win.

As noted by the Advisory Committee during the 2020 debate, an added benefit is that it preserves the second or third choice of a voter whose top candidate leaves the race between the onset of early voting and Election Day.

Disadvantages of RCV are that it

- requires additional tabulation to determine election winners when compared to ‘first past the post’ voting methods.
- multi-winner elections require voters to order their preferences for individual candidates, rather than simply selecting the candidates they wish to support.

The proposed article implements RCV for municipal elections only; that is, the elections that are held annually on the first or second Tuesday of May.

Implementation of RCV is possible using the Town’s current voting machines, which were replaced in Winter 2022. The recently-purchased machines are capable of performing a Ranked-Choice election.

#### Key features of the proposed article

In order to adopt RCV in municipal elections, a Home Rule Petition is necessary. This is a request to the state legislature to pass a law that would allow Brookline to change the manner of its elections. The Home Rule Petition must first be passed by Town Meeting. After passage the Select Board must send it to the legislature, which must then pass the proposed law before it can take effect. In the proposed article, after passage by the state legislature, a Town-wide vote must be taken and RCV will become effective for municipal elections *only* if it receives a majority vote in favor of adoption.

The proposed home rule petition has the following key features:

- All town-wide elections are to use RCV. This includes both single-winner elections (like for Town Clerk or Moderator) as well as multi-winner elections (School Committee or Library Trustees).<sup>6</sup>
- Additionally, Town Meeting Member elections are to use RCV, according to the submitted text. This includes redistricting years, when there may be up to 15 winners per precinct. (See Discussion below.)

---

<sup>6</sup> The Select Board is a single-winner contest in 1 of every 3 years, and a 2-winner contest in the other 2 years.

- The Home Rule petition requires a Town-wide vote to ratify the adoption of municipal RCV. In addition to being democratically sound, this ensures a predictable timeline for the first elections using RCV, instead of being tied to the unpredictable schedule of the state legislature.
- Multi-winner elections are to be conducted using a proportional voting system.
- The order of the candidates on the ballot will be randomized.
- Discretion is given to the Clerk and the Board of Registrars in the handling of ties and ballot size issues.

In addition, the RCV Study Committee will make recommendations to the Town Clerk regarding publication of results and voter education, which the Clerk has indicated is acceptable. The Committee decided not to seek enforcement of these recommendations via a Town bylaw, preferring to provide flexibility to the Town Clerk. However, bylaws could be adopted in the future to enforce provisions of these natures if a future Town Meeting sees fit.

#### Discussion

The RCV committee did not reach a consensus on whether Town Meeting Members should be included in RCV. Discussion centered on RCV's ability to discover the 'consensus candidates' in elections that are sometimes decided by small numbers of votes, and would reduce vote splitting by similar Town Meeting Member candidates. Concerns were brought up that, in Census years, the next of which is 2032, many candidates would be on the ballot, which could make it challenging for voters to select their preferences among 15 or more candidates. The Committee decided to leave the Home Rule Petition as broad as possible with the inclusion of Town Meeting Members to give Town Meeting the ability to revise the Home Rule Petition during debate. Ultimately the Committee voted 7-0-1 to include the language in the submitted Warrant Article (with the Clerk abstaining), but only 6-1-1 to recommend that RCV be used to elect Town Meeting Members.

At the February 13th public hearing, feedback was provided to the Committee that candidate order on the RCV ballot has a potential to influence election outcomes through 'ballot-order effects' and the RCV committee should mitigate these effects if possible. Election research points to a significant increase in votes for candidates listed first on a ballot order, even in races with as few as two candidates. Many US states, such as New Hampshire and Rhode Island, and Massachusetts localities, such as Newton and Boston, have some form of ballot order lottery or rotation to mitigate the arbitrary advantages of ballot-order effects. The RCV committee, responding to this public feedback, voted to include language that mitigates ballot-order effects, referencing Newton's Article 8-1 election order procedure as a template.

After evaluation of several potential RCV options, the Committee selected a Proportional RCV method. Standard forms of Proportional RCV are currently in use in Cambridge and selected by Amherst, Concord and Northampton. Other options reviewed were Sequential RCV and Bottom-up RCV, which were noted to less fairly represent voter base intentions. The Committee reviewed commonplace methods of transferring Proportional RCV votes



from eliminated candidates to continuing candidates, including random assignment, which is simple but can skew outcomes, and fractional-transfer, which requires a spreadsheet to calculate results, but produces outcomes which are transparent and traceable. Weighing evidence that surveys showed voters in municipalities which use RCV understand how it works, the committee concluded that traceability of voting results was important, and recommended the fractional-transfer method. Further discussion of the merits and opposition to proportional RCV are discussed in the next section.

The committee weighed discussion that many localities that currently use RCV choose to publish the Cast Vote Records (CVR) for each election. The CVR is an electronic data record of each ranking marked on each ballot cast (but is not a digital image of each ballot). Such a record is currently accessible for public audit through a Public Records Request. Publication of CVRs is done to ensure full transparency of election results, but may risk inadvertent de-anonymization of voter choices. After hearing feedback that Cast Vote Record requests made through the current Public Records Request process have established safeguards and will result in technical and legal assistance from the Secretary of State when needed, the Committee decided that publication of the CVR would be a recommendation to the Clerk, but not mandatory.

---

#### SELECT BOARD'S RECOMMENDATION

The passage of Warrant Article 18 of November 2020 Special Town Meeting led to the formation of the Ranked-Choice Study Committee to study the potential pathways for adopting ranked-choice voting (RCV) procedures for Town Elections. The Committee was charged with several tasks including examining feasibility and best practices for implementation of RCV as well as issuing a specific recommendation for RCV in Brookline in the form of a home-rule petition.

Article 22 asks Town Meeting to authorize the Select Board to file a home rule petition that would implement ranked-choice voting procedures as recommended by the Ranked-Choice Study Committee. Approval of the home rule petition and a subsequent successful vote at a Town Election would be required to implement RCV. Under the procedure recommended by the Ranked-Choice Study Committee, voters would mark their ballots in order of preference (ex. 1<sup>st</sup> choice, 2<sup>nd</sup> choice, 3<sup>rd</sup> choice) and votes for each candidate on the ballot would be counted starting from highest ranking preference to lowest ranking preference until a candidate receives a majority of votes. If one candidate receives a majority of first choice votes, then they would be declared the winner. If not, then the candidate with the fewest first choice votes would be eliminated and second choices would be counted. This process would continue until one candidate (or more if for a multi-seat election) receives a majority of the votes cast.

The Ranked-Choice Study Committee concluded that RCV: ensures majority support for each winning candidate by preventing the possibility of a candidate winning with less than a majority of votes; expands voter choice by preventing the need for voting strategically if a voter's favored candidate is projected to lose; disincentivizes negative campaigning; and helps to equalize the political playing field for under-represented groups in the community based on research into RCV implementation in other states and communities. The Committee held public meetings and incorporated a number of suggestions from the public including the addition of language that would allow the Town to vote to end use of RCV without another home rule petition. The Committee did not come to a consensus on whether RCV should be used for election of Town Meeting members.

The Board discussed the proposed election system at length without reaching consensus on the potential benefits or downsides of RCV. Two board members expressed support, stating that RCV ensures each voter's intention is preserved in the event their top ranked candidate drops out of the race or fails to secure enough votes. In this way, the members also felt that RCV could benefit candidates in the political minority that may otherwise have difficulty securing support compared to politically mainstream candidates. One board member felt RCV was a solution in search of a problem, while another concurred citing that several competing candidates with a shared base could work out amongst themselves who should run for election to have the highest chance of success under the existing election system. The dissenting board members also felt that RCV could be difficult for some voters to comprehend and would add unnecessary complexity to the election process.

The Select Board did not come to a consensus with an unsuccessful vote of 2-2 for favorable action on Article 22.

**ROLL CALL VOTE:**

Aye:

Aschkenasy

Sandman

No:

Greene

VanScoyoc

-----

**ADVISORY COMMITTEE'S RECOMMENDATION**

**Recommendation:** NO ACTION on Article 22 as amended by the petitioners, by a vote of 1-23-3. Additionally, the Advisory Committee has a recommendation regarding a possible amendment; see the discussion below.

<p><b>Executive Summary:</b></p>	<p>This Warrant Article, submitted by C. Scott Ananian on behalf of the Ranked Choice Voting Study Committee, asks that the Town authorize the Select Board to petition the General Court for a special act providing for the use of ranked choice voting in all Brookline municipal elections, including those for Town Meeting. Ranked choice voting requires the voter to rank, in order of preference, each candidate in a multi-candidate field when 1) in a single seat race, there are more than two candidates; and 2) in a multi-seat race, the number of candidates exceed the number of seats available. These preferences are then used to determine the winner(s). If the Warrant Article is approved by both Town Meeting and the Legislature, it would then be subject to a Town-wide ballot for final approval. The Town Clerk would be responsible for voter education and developing methods to resolve ties. The Article also proposes a change to address an issue not unique to ranked choice voting: the randomization of the order of candidates’ names on the ballot for each position, to neutralize the bias that may occur from alphabetical listing on the ballot.</p>
<p><b>Voting Yes will...</b></p>	<p>Ask the legislature of the Commonwealth to approve a Home Rule Petition that (i) all votes in all Brookline municipal elections should be tabulated using Rank Choice Voting, or (ii) if amended, all votes in all Brookline Town-wide municipal elections should be tabulated using Rank Choice Voting.</p>
<p><b>Voting No will...</b></p>	<p>Make no change to how votes are currently tabulated.</p>
<p><b>Financial impact</b></p>	<p>Under \$10,000 for new election machine software, training and potentially larger ballots, and unspecified amounts if manual hand recounts are required. Recently-acquired voting machines, with appropriate software, are capable of tabulating the results of RCV elections.</p>
<p><b>Legal implications</b></p>	<p>None.</p>

**Introduction**

This Article is submitted by C. Scott Ananian on behalf of the Ranked Choice Voting Study Committee (“RCV Committee”). The RCV Committee was created by the Select Board on January 25, 2022, pursuant to Warrant Article 18 of the November 2020 Town Meeting. WA 18 passed 187-34-10. This vote came in the wake of “Massachusetts Question 2,” a ballot initiative for state-wide RCV in state and federal elections, in November 2020. Although the initiative failed state-wide, Brookline voted 70% in favor of it.

The RCV Committee was charged “to study the potential options for adoption of Ranked-Choice Voting (RCV) for Town Elections. The goal of the committee should be to recommend best practices for Ranked-Choice Voting in Town and to explore the different options for RCV including benefits and challenges.” (A competing amendment voted at Town Meeting sought to modify the charge to “whether or not to adopt Ranked Choice Voting”; this amendment was defeated 88-139-4. Accordingly, the proposed article presents the RCV Committee’s recommendation regarding the best way for the Town to adopt RCV, if it chooses to do so.)

Additional charges to the RCV Committee included:

- “specific recommendations, where appropriate, on the use, or not, of Ranked-Choice Voting for each Town-wide office”
- “specific recommendations, where appropriate, on the use, or not, of Ranked-Choice Voting for Town Meeting Member elections”
- “a process to be used for multi-winner elections, whether iterated one-winner election, a proportional system, or another”
- “specific recommendations on implementation via Home Rule Petition”
- implicitly, “a time frame for potential implementation”

The RCV Committee was also charged with producing a final report. The report has not yet been completed, but the RCV Committee has completed a seven-page Article explanation.

The RCV Committee stated in its Article explanation that:

After evaluation of several potential RCV options, the Committee selected a Proportional RCV method. Standard forms of Proportional RCV are currently in use in Cambridge and have been selected by Amherst, Concord and Northampton. Other options reviewed were Sequential RCV and Bottom-up RCV, which were noted by the RCV Committee to less fairly represent voter base intentions. The Committee reviewed commonplace methods of transferring Proportional RCV votes from eliminated candidates to continuing candidates, including random assignment, which is simple but can skew outcomes, and fractional-

transfer, which requires a spreadsheet to calculate results, but produces outcomes which are transparent and traceable. Survey evidence indicates that voters in municipalities actually using RCV understand how it works, and the committee concluded that traceability of voting results was important and recommended the fractional-transfer method.

The RCV Committee identified in its Article Explanation the following advantages of RCV relevant to Brookline’s local, non-partisan elections:

- promotes majority support in elections with more than two candidates for a single seat because the ultimate winner must have received more than 50% of the vote;
- promotes reflective representation in multi-winner contests by allowing diverse groups of voters to elect candidates of choice;
- allows voters to vote for their preferred candidates without worry that they are either wasting their vote or reducing the electoral chances of their next-preferred candidate
- reduces negative campaigning and polarization by broadening the base candidates must capture to win
- preserves the second or third choice of a voter whose top candidate leaves the race between the onset of early voting and Election Day.

In Proportional RCV, the ballot is the same as in single-winner RCV. Voters rank candidates from first to last. The only thing that differs is the method of determining winners.

The necessary proportional majority of the vote for each race is called the “election threshold.” The election threshold is defined in the Article as

the number of votes sufficient for a candidate to be elected in a multi- seat election. It is calculated by dividing the total number of votes counting for continuing candidates in the first round by the sum of the number of seats to be elected and 1, disregarding any fractions, and then adding 1.

To illustrate, here are the election threshold numbers (number of votes necessary to win) in scenarios likely to occur in Brookline, assuming 100 total votes/ballots cast:

<b>Number of open seats</b>	<b>Number of Votes Needed (election threshold)</b>
2	34
3	26

4	21
5	17
15	7

RCV would apply to any single seat election in which there were more than two named candidates on the ballot, and any multi-seat election in which the named candidates on the ballot exceeded the number of open seats. Each voter's ballot would allow the voter to rank the candidates in order of preference. Votes are counted in successive rounds; in each round, candidates with the fewest first choice votes and who could not mathematically win are eliminated and the preferences on those ballots where the candidate has been eliminated are distributed to each voter's next preference until each person elected receives a proportional majority of the vote (i.e., crosses the election threshold). In addition, the preferences of any ballots whose candidate has exceeded the election threshold (i.e., won election in that round), are also proportionally redistributed to the remaining candidates.

This proportional redistribution involves some math, which is now handled by election software. In an appendix to this report are some detailed examples of the application of the proposed RCV in a hypothetical Select Board election.

The RCV Committee noted that “[o]ver the last 17 years in Brookline Town Elections, there have been three contested S[elect] B[oard] races with one open seat, and only once has a winner gained more than 50% of the total vote; there were nine contested SB races with two open seats and only three times both winners gained the proportional multi-seat majority of 33%.”

Other Massachusetts municipalities -- Arlington, Northampton, Easthampton, Concord and Amherst -- have adopted similar warrant articles and home rule petitions, which the RCV Committee considered in drafting the Article. Arlington's petition applies only to Town-wide positions and exempts town meeting members from RCV. Acton also has RCV on its spring Town Meeting warrant. RCV is also in the draft charter of the City of Somerville, which the city plans to submit as home rule legislation by the end of the year. Cambridge has been using RCV for its nine seat City Council since the late thirties.

According to Fair Vote ( <https://fairvote.org/resources/data-on-rcv/> ), of the 63 cities, counties, and states in the United States that use RCV in the United States:

- 4 exclusively use Proportional RCV (aka multi-winner RCV or single transferable vote) in city council and/or school board elections: Cambridge, MA, Arlington, VA, Arden, DE, and Albany, CA.

- 4 use a combination of single-winner and Proportional RCV: Portland, ME, Minneapolis, MN, Palm Desert, CA, and Amherst, MA.
- 9 cities in Utah use a combination of single-winner RCV and a multi-winner method called sequential RCV.
- The rest [46, or almost three-fourths] exclusively use single-winner RCV (aka instant runoff voting).

Implementation of RCV is possible using the Town's current voting machines, which were purchased in Winter 2022 and are compatible with Ranked-Choice elections.

Prior to the Subcommittee's votes, Petitioners amended the Article in response to suggestions from Town Counsel. The amended version is attached at the end of this report.

### **Evaluation Methodology/Research**

- The RCV Committee held multiple hearings, reviewed RCV proposals from other jurisdictions, and consulted with RCV experts and Town Counsel in developing the warrant article.
- A joint public hearing with the RCV Committee and the Public Safety Subcommittee was held on March 22, 2023, via Zoom. The recording of that hearing is available here:  
[https://brooklinema.zoomgov.com/rec/share/8-fAD65MTJp2GQNJBmwC0uNwbX-b1S83zu\\_4A927KASXUSLY1LbFshOwni4kUVtt.KDgLVzox7Gdx9zj?startTime=1679519758000](https://brooklinema.zoomgov.com/rec/share/8-fAD65MTJp2GQNJBmwC0uNwbX-b1S83zu_4A927KASXUSLY1LbFshOwni4kUVtt.KDgLVzox7Gdx9zj?startTime=1679519758000)
- Another public hearing was held March 30, 2023, via Zoom. The recording of that hearing is available here:  
[https://brooklinema.zoomgov.com/rec/play/xhUy-fXXOUgS7MINIT1Ei4j74lwm9uOjOFZ6hDR4cTsA7dE7cOo\\_6FOWet2Qqu2RXBreXRyMtobT5n70.lLpIjq12Pk21HAY?continueMode=true](https://brooklinema.zoomgov.com/rec/play/xhUy-fXXOUgS7MINIT1Ei4j74lwm9uOjOFZ6hDR4cTsA7dE7cOo_6FOWet2Qqu2RXBreXRyMtobT5n70.lLpIjq12Pk21HAY?continueMode=true)

### **Discussion**

Opposition from members of the Advisory Committee to the use of Ranked Choice Voting in all town elections was nearly unanimous. While the RCV Committee was commended for its extensive, thoughtful, and diligent work in carrying out its mandate, the overwhelming sentiment from the Committee was that RCV is not needed in Brookline.

Many members believed that Brookline does not experience the type of problem that RCV, in its popular depiction, is often designed to address. This is the problem of single-winner elections where two similar candidates split the vote and allow an extremist from

another party to win with a relatively small plurality of the vote. No one spoke against the use of RCV in such national elections. Brookline, however, has very few single-winner elections, let alone single-winner elections with more than two candidates, one of whom is polarizing.

Other concerns included:

1. The difficulty, if not impossibility, of ranking candidates in multi-seat elections such as Town Meeting, Library Trustee, and School Committee elections by both voters and the various town organizations that endorse candidates.
2. While RCV can, in various scenarios, incentivize candidates to broaden their outreach, RCV can also have the opposite effect. For example, in a five seat Town Meeting election with eight candidates, a candidate could win with just 17% of the first-choice votes and no support from any of the remaining 83% of the voters.
3. Some members believed that RCV could, because of its perceived complexity, dampen turnout and/or, because of the incentive to broaden outreach, lead to more expensive elections that would favor well-heeled candidates.
4. Whether the results would be deterministic if the RCV algorithm were run on a set of ballots multiple times. This RCV algorithm is deterministic.
5. Whether the average voter would be able to understand the results once published given that proportional excess vote redistribution is cumbersome to do by hand.

The Committee considered the possibility that some of these concerns could be alleviated by limiting the application of RCV only to Townwide offices (e.g., not for the election of Town Meeting Members). While this approach was preferable to some on the Advisory Committee, the resulting motion continued to fail overwhelmingly.

**Recommendation:** The Advisory Committee by a vote of 1-23-3 recommends NO ACTION on the following motion for Warrant Article 22. Additionally, were the Article to be amended to remove its application to Town Meeting elections, the Advisory Committee recommends NO ACTION by a vote of 5-19-3.

**Brookline Ranked Choice Voting Warrant Article 22**  
*as approved by RCV Study Committee 2023-04-19*



MOVED: That the Town authorize the Select Board to petition the General Court for a special act providing for the use of ranked choice voting in Brookline municipal elections, in the following form, and authorize the General Court to make any revisions that are necessary or appropriate to the form of such bill.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

**“AN ACT AUTHORIZING RANKED CHOICE VOTING IN THE TOWN OF BROOKLINE”**

SECTION 1. RANKED CHOICE VOTING

(a) For the purposes of this section, the following terms shall have the following meanings, unless the context clearly requires otherwise:

“Batch elimination” is the simultaneous defeat of multiple candidates for whom it is mathematically impossible to be elected.

"Concluded ballot," a ballot that does not rank any continuing candidate or contains an overvote at the highest-ranked continuing candidate, or contains *2 or more* sequential skipped rankings before its highest-ranked continuing candidate.

"Continuing candidate," a candidate who has not been defeated or elected.

“Election threshold,” the number of votes sufficient for a candidate to be elected in a multi-seat election. It is calculated by dividing the total number of votes counting for continuing candidates in the first round by the sum of the number of seats to be elected and 1, disregarding any fractions, and then adding 1.

"Highest-ranked continuing candidate," the continuing candidate with the highest ranking on a voter's ballot.

"Last-place candidate," (i) the candidate with the lowest vote total in a round of the ranked-choice voting tabulation; or (ii) a candidate that is defeated in batch elimination.

"Overvote," a circumstance in which a voter ranks more than 1 candidate at the same ranking.

“Ranked choice voting,” a method of casting and tabulating ballots in which voters rank candidates for office in order of preference.

"Ranking" means the number assigned on a ballot by a voter to a candidate to express the voter's relative preference for that candidate. Ranking number 1 shall be the highest ranking, ranking number 2 shall be the next-highest ranking, and so on.

“Skipped ranking”, a circumstance in which a voter does not use a ranking and ranks a candidate with a subsequent ranking.

“Surplus fraction,” the number equal to the difference between an elected candidate’s vote total and the election threshold, divided by the candidate’s vote total.

“Transfer value,” the proportion of a vote that a ballot will count to its highest-ranked continuing candidate. Each ballot shall begin with a transfer value of 1. If a ballot counts to the election of a candidate under subsection (d)(1), the ballot receives a lower transfer value.

(b) All town-wide offices and Town Meeting Members shall be elected by ranked choice voting at the annual election, and in any special election called pursuant to MGL Chapter 41 Section 10.

Ranked choice voting shall apply to a single-seat office only when the number of candidates printed on the ballot exceeds 2 and to a multi-seat office only when the number of candidates printed on the ballot exceeds the number of seats to be elected.

(c) In any single-seat election, each round shall begin by counting the number of votes for each continuing candidate. Each ballot shall count as 1 vote for its highest-ranked continuing candidate. Concluded ballots shall not be counted for any continuing candidate. Each round shall proceed sequentially as follows:

(1) If there are 2 or fewer continuing candidates, the candidate with the most votes shall be elected, and tabulation shall be complete.

(2) If there are more than 2 continuing candidates, the last-place candidate shall be defeated, or the last-place candidates shall be defeated in batch elimination, and a new round shall begin.

(d) In any multi-seat election, each round shall begin by counting the number of votes for each continuing candidate. Each ballot shall count, at its current transfer value, for its highest-ranked continuing candidate. Concluded ballots shall not count for any continuing candidate. In the first round only, the election threshold shall then be calculated. Each round shall proceed sequentially as follows:

(1) If the sum of the number of elected candidates and continuing candidates is equal to the number of seats to be filled, then all continuing candidates shall be elected, and tabulation shall be complete.

(2) If at least 1 continuing candidate has more votes than the election threshold, then all such candidates shall be elected. If the number of elected candidates is equal to the number of seats to be filled, then tabulation shall be complete. Otherwise, each ballot counting for an elected candidate shall be assigned a new transfer value by multiplying the ballot’s current transfer value by the surplus fraction for the candidate. Each elected candidate shall be deemed to have a number of votes equal to the election threshold in all future rounds, and a new round shall begin.

(3) Otherwise, the last-place candidate shall be defeated, or the last-place candidates shall be defeated in batch elimination, and a new round shall begin.

(e) Batch elimination shall apply to the largest possible group of continuing candidates such that the sum of the votes of candidates in the group is less than the individual number of votes of every continuing candidate not in the group, and provided that the number of continuing candidates not in the group is at least 1 more than the remaining number of positions to elect.

(f) Prior to the first election conducted using Ranked Choice Voting the Town Clerk, subject to approval by the Board of Registrars, will establish a method of tiebreaking that will be used if 2 or more last-place candidates are tied and batch elimination does not apply. The results of any such tiebreaking events must be recorded and reused in the event of a recount. The method for tiebreaking may be amended from time to time, but shall not be amended during the course of an election, including any and all recounts.

(g) When a skipped ranking or repeat candidate ranking is encountered on a ballot, that vote shall count towards the highest continuing ranking. In the case of an overvote involving two or more continuing candidates, the overvote candidates and all subsequently ranked candidates will be disregarded. If any vote cannot be advanced because no further continuing candidates are ranked on that ballot, that ballot shall be declared concluded for that contest.

(h) As used in section 4 of chapter 43A, the "order of votes received" by candidates in a ranked choice voting election shall mean the order in which candidates are elected. If multiple candidates are elected in the same round, the respective order of elected candidates in that round shall mean the order of votes received by those candidates at the end of the round.

(i) The Town Clerk, subject to approval by the Board of Registrars, may make any changes to the ranked choice voting ballot and tabulation process necessary to ensure the integrity and smooth functioning of the election, provided that ranked choice voting shall still be used and the fewest number of changes are made to achieve such purpose.

(j) In any election conducted using Ranked-Choice Voting the Town Clerk shall publish election results that show the tabulations by rounds, along with any additional information that may be required by the Town bylaws.

(k) The Town Clerk shall provide educational materials to voters subject to any applicable Town bylaws.

## SECTION 2.

Notwithstanding the provisions of applicable provisions of chapters 53 and 54 of the general laws, Ranked-choice voting ballots for use in the Town of Brookline municipal elections shall be prepared according to a format meeting the below requirements and otherwise consistent with state law.

a) To the extent possible, a ranked choice voting ballot shall allow voters to rank as many choices as there are candidates printed on the ballot. If the voting equipment is unable to reasonably accommodate a number of rankings on the ballot equal to the number of candidates, the Board of Registrars of Voters may limit the number of choices a voter may rank to the maximum number allowed by the voting equipment. A ranked choice voting ballot shall not interfere with a voter's ability to rank at least 1 write-in candidate.

b) The ballot must indicate the number of seats to be filled for each contest.

c) For each election where Ranked Choice Voting is used and the number of candidates exceeds two, the Board of Registrars shall randomly draw lots prior to the printing of ballots so as to determine the order in which the names of candidates shall appear on the ballot. To the name of a candidate for Town office who is an elected incumbent thereof shall be added the words 'Candidate for Reelection'.

d) The ballot must comply with all otherwise applicable provisions of the General Laws and the regulations promulgated thereunder.

SECTION 3. If any part of this Act is declared unconstitutional by a court of competent jurisdiction, the remaining parts shall survive in full force and effect. If a conflict arises between this Act and any other provision of law, the policies and purposes of this Act shall govern.

SECTION 4. Not sooner than four years after acceptance of this act, a proposal to resume or discontinue the use of Ranked Choice Voting may be put on the Warrant for Town Meeting by a petition signed by at least ten registered voters of Brookline. In the alternative, not sooner than four years after acceptance of this act, the question may be so placed on said ballot when a petition signed by at least ten per cent of the registered voters of Brookline requesting such action is filed with the registrars, who shall have seven days after receipt of such a petition to certify the signatures. Upon passage in Town Meeting or upon certification of the signatures, the Town Clerk shall cause the question to be placed on the ballot at the next regular municipal election held more than thirty-five days after such passage or certification. Upon the defeat by the voters of the above described ballot question, another proposal to resume or discontinue the use of Ranked Choice Voting may not be placed on the ballot for four years thereafter. Not sooner than four years after a successful vote to discontinue the use of Ranked Choice Voting, the procedures in this section may be used to resume the use of Ranked Choice Voting.

SECTION 5. This act shall be submitted for acceptance by the voters of the town of Brookline at the next regular municipal or state election following the effective date of this act; provided, however, that if the deadline to put a question on the ballot for the next regular municipal or state election has passed, the question shall be placed on the ballot for the following regular municipal or state election. This act shall be submitted for acceptance in the form of the following question:

Shall an act passed by the general court in the year 2023 entitled ‘An Act authorizing ranked choice voting in the town of Brookline’ be accepted?”

Below the question shall appear a fair and concise summary of the act prepared by town counsel and approved by the select board. If the majority of the votes in answer to the question is in the affirmative, this act shall take effect, but not otherwise.

ARTICLE 22 VOTES

<b>Article Description</b>	<b>RCV in Brookline municipal elections</b>	<b>RCV in Brookline if amended to exclude Town Meeting elections</b>
<b>AC recommendation (Favorable Action unless indicated)</b>	<b>1-23-3</b>	<b>5-19-3</b>
Ben Birnbaum	N	N
Harry Bohrs	N	Y
Cliff Brown	Y	Y
Patty Correa	A	A
John Doggett	N	N
Katherine Florio	N	N
Harry Friedman	N	N
David-Marc Goldstein	N	N
Neil Gordon	N	N
Susan Granoff	N	N
Kelly Hardebeck	N	N
Amy Hummel	N	N
Anita Johnson	N	N
Alisa Jonas	N	Y
Janice Kahn	N	A
Pam Lodish	N	N
Joslin Murphy	N	N
Donelle O’Neal, Sr.	N	A
Linda Olson Pehlke	N	N
Markus Penzel	N	Y
David Pollak	A	Y

Stephen Reeders	N	N
Carlos Ridruejo	N	N
Lee Selwyn	N	N
Alok Somani	N	N
Carolyn Thall	A	N
Christine Westphal	N	N
Dennis Doughty *		
* Chairperson does not vote except to break a tie		

**Appendix**

Here are some examples of the application of the proposed RCV in a Select Board election in which there are 3 candidates running for two seats and 3,000 votes cast. (The election threshold is 1,001, which is  $3,000/(2+1) + 1$ .)

1. A gets 1,200 first place votes, B gets 1,100, and C gets 700. A and B both win in first round, because each exceeded the election threshold of 1,001.

2. A gets 2,300 first place votes, B gets 0, and C gets 700. B gets the proportional excess of all of A's 2d choice votes ( $(2,300 - 1,001)/2,300 * 2,300 = 1,299$ ). A wins in the first round, and B wins in the second round with 1,299.

3. A gets 2,000 first place votes, B gets none, and C gets 1,000, and B gets the proportional excess of all but one of A's 2d place votes, which goes to C.

*First round:* A wins

*Second round:* Excess votes (999) are transferred from A ( $2,000 - 1,001$ ). B gets  $999/2000 * 1999$  additional votes, while C gets  $1/2000 * 1$  additional votes. B has 997.5 votes, while C has 999 and  $1/2000$  votes. As no candidates are over the threshold, the lowest remaining candidate is eliminated, in this case B. C wins as the only remaining candidate.

4. A gets 2,000 first place votes, B gets none, and C gets 1,000, and B gets the proportional excess of all of A's 2d place votes.

*First round:* A wins;

*Second round:* 999 excess votes are transferred from A ( $2,000 - 1,001$ ). B gets  $999/2000 * 2000$  votes. B gets 999 additional votes. B has 999 votes, while C still has 1000 votes. As no candidates are over the threshold, the lowest remaining candidate is eliminated, in this case B. C still wins.

5. A gets 1002 votes, B gets 999 votes, and C gets 999 votes. 502 voters rank A first then B second, while 500 votes rank A first then C second.

*First round:* A wins

*Second round:* Excess votes (1) are transferred from A (1,002 -1,001). B gets  $1/1002 * 502$  additional votes, while C gets  $1/1002 * 500$  additional votes. B has 999 and  $502/1002$  votes, while C has 999 and  $500/1002$  votes. As no candidates are over the threshold, the lowest remaining candidate is eliminated, in this case C. B wins as the only remaining candidate.

(If 501 voters rank B second and the other 501 rank C second, B and C tie, which would be broken by rules developed by the Town Clerk.)

**XXX**