
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.

Executive Summary:	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.
Voting Yes will...	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.
Voting No will...	Make no change to how votes are currently tabulated.
Financial impact	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.
Legal implications	None.

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:

Number of open seats	Number of Votes Needed (election threshold)
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).¹ 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

¹ Also, if after redistribution no candidates are over the threshold, the lowest remaining candidate is eliminated.

- 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.KDgLXvzoX7Gdx9zj?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.lLplljql2Pk21HAY?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 turnout² and/or, because of the incentive to broaden outreach, lead to more expensive elections that would favor well-heeled candidates.

² Although the final verdict is not yet in, some studies indicate that RCV contributes to higher turnout. <https://fairvote.org/resources/data-on-rcv/#voter-turnout-and-participation> .

- 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

Article Description	RCV in Brookline municipal elections	RCV in Brookline if amended to exclude Town Meeting elections
AC recommendation (Favorable Action unless indicated)	1-23-3	5-19-3
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 $999/2000 * 1,000$ additional votes, while C gets $1/2000 * 1,000$ 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 $999/2000 * 1,000$ additional 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.)