

# FINAL REPORT OF THE RANKED CHOICE VOTING STUDY COMMITTEE

APPROVED MAY 11, 2023

## INTRODUCTION

The Ranked Choice Voting Study Committee<sup>1</sup> (the “Committee”) was 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.” The full charge is included as Appendix A to this report.

As part of its charge, the Committee submitted Warrant Article 22 to the May 2023 Town Meeting,<sup>3</sup> along with an explanation of the article<sup>4</sup> which contained the committee’s recommendations on several of its charged tasks. The article as moved at Town Meeting, along with the filed explanation, is included as Appendix B. 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>5</sup>

The committee was also charged with producing this final report on its work.

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<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 Greg Dennis, a representative of Voter Choice MA attended many meetings; we are grateful for their input.

<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> The warrant article was approved by the Committee in a vote of 6-0-1 (the Town Clerk abstaining) on March 8, 2023 and submitted as a petitioned article by the chair. Amendments were subsequently approved by the Committee on March 29, 2023 (incorporating feedback from Town Counsel), and April 19, 2023 (incorporating feedback from Advisory Committee).

<sup>4</sup> The explanation accompanying the article was approved by the Committee in a vote of 5-0-0 on March 15, 2023.

<sup>5</sup> <https://www.brooklinema.gov/2077/Ranked-Choice-Voting-Study-Committee>

## WHY RANKED CHOICE VOTING?

**In Ranked Choice Voting, voters rank the candidates from their favorite to their least favorite, allowing all voters to fully state their opinions. Using these rankings, Ranked Choice Voting elects candidates with the greatest support from voters.**

Under RCV, voters mark their ballots to 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;
- 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 voter base that candidates must capture to win.
- 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.<sup>6</sup>

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.

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<sup>6</sup> This benefit was noted by the Advisory Committee during the 2020 debate on WA18.

Today, 64 American jurisdictions have RCV in place, reaching approximately 13 million voters. This includes two states, two counties, and 60 cities and towns. Military and overseas voters cast RCV ballots in federal runoff elections in six states. In Massachusetts, four cities and towns have submitted home rule petitions for RCV in the current legislative session: Amherst, Arlington, Concord, and Northampton. Like Brookline, Acton 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. Lastly, RCV is under discussion by activists and elected officials in at least a dozen other communities around the state.

For additional questions, please see linked [Brookline RCV FAQ](#).<sup>7</sup>

### Summary of Plurality Voting versus Ranked Choice Voting

Topic	Ranked Choice Voting	Plurality Voting
Requires candidates in single-winner elections to have more than 50% voter approval	Yes	No
Reduces strategic voting	Yes	No
'Spoiler' candidates can cause uncertainty and perceptions of illegitimacy in election results	No	Yes
May discourage independent and minority candidates from running for office	No	Yes
Increases voter turnout	Mixed evidence <sup>8</sup>	No
Quick and simple to tabulate	No	Yes

<sup>7</sup> [https://docs.google.com/document/d/1H1sZyX8kj4HADotYWheDq5hr5aG5\\_g6XfgS9ON3v5ig/edit?usp=sharing](https://docs.google.com/document/d/1H1sZyX8kj4HADotYWheDq5hr5aG5_g6XfgS9ON3v5ig/edit?usp=sharing)

<sup>8</sup> <https://www.newamerica.org/political-reform/reports/what-we-know-about-ranked-choice-voting/the-voting-experience/>

Topic	Ranked Choice Voting	Plurality Voting
Evidence shows voters consider the voting method an improvement over the status quo	Yes	N/A
Encourages choosing preferred individuals rather than parties and groups	Yes	No
Incorrect voter markings can invalidate a ballot	Yes for both	
Influences money in politics	No impact	
Evidence shows voters understand the method	Yes for both	

**HISTORY & CONTEXT**

In November 2020, “Massachusetts Question 2”, a ballot initiative for state-wide RCV,<sup>9</sup> failed statewide although 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>10</sup> and met roughly weekly thereafter.

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

<sup>9</sup> Restricted to single-winner contests in primary and general elections for statewide offices, state legislative officers, and congressional offices.

<sup>10</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.

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 subsequent sections of this report will progress through the tasks assigned to the committee in its charge: to study the equipment required to implement RCV; to make specific recommendations on the use, or not, of RCV for Town-wide and Town Meeting Member selections; to study the design of ballots; to recommend a process for multi-winner elections; to make specific recommendations for implementation via Home Rule Petition; to recommend a time frame; and to provide budget guidance for implementing and then using RCV in Town.

## EQUIPMENT REQUIREMENTS FOR RANKED CHOICE VOTING

At the time of the initial passage of the article calling for the creation of the Committee, in November 2020, Brookline had identified the need to replace its aging voting machines but had not yet done so. Since that time, Brookline acquired new voting machines, from the vendor Election Systems & Software (ES&S), which are capable of conducting an RCV election.<sup>11</sup> Currently, tabulation of the results for a given machine occurs in the precinct, and then centralized aggregation of all precinct results is done at Town Hall using software provided by ES&S. With RCV there would be an additional round of central tabulation of the rankings at Town Hall. The software to do so is open source and sponsored by the Ranked Choice Resource Center; MK Election Services would provide support for this software to the Town Clerk's office. This software has been certified in combination with ES&S voting machines to scan, count, and tabulate ballots.<sup>12</sup> This software will also accommodate a manual recount if needed.

If the State certifies other equipment for RCV, perhaps in connection with a bill providing a state-wide local option for RCV, Brookline would follow the State's guidance.

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<sup>11</sup> The State of Maine uses ES&S machines to run its RCV elections; in Massachusetts, the Town of Concord has approved a home rule petition for RCV and also uses ES&S machines.

<sup>12</sup> This certification includes the mechanisms used to deal with skipped rankings and concluded ballots written into the Committee's Warrant Article; if the article were amended to alter those we would likely need to operate without that certification.

## WHICH RACES RANKED CHOICE VOTING SHOULD BE USED FOR

The Committee reviewed Brookline's town-wide elected offices, the recent history of contested races, and the use of staggered terms. The Committee also looked at the offices proposed to be elected with RCV in other Massachusetts municipalities. The consensus was to apply ranked choice voting consistently to all Town-wide offices, in order to set consistent voter expectations and provide an accurate representation of the voters' voices and the other benefits of RCV to as many races as possible, without trying to predict the future in terms of which races were more or less likely to be contested.

The Committee then turned to a discussion of the application of RCV to Town Meeting Member elections. At this time no other Town with a Representative Town Meeting applies RCV to the election of Town Meeting Members. The Election Modernization Committee in the Town of Arlington proposed other improvements to the election of Town Meeting Members, including how vacancies are filled, which were subsequently adopted. It was agreed that these other improvements would be out of scope for this committee.

Ultimately 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 determine 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 redistricting years, the next of which will follow the 2030 Census, many candidates would be on the ballot which could make it challenging for voters to determine rankings among 15 or more candidates. The Committee decided to leave the Home Rule Petition as broad as possible by including Town Meeting Members in the language of the Home Rule Petition and thus giving Town Meeting the ability, during its debate, to include or (by amendment) exclude Town Meeting Members in the Home Rule Petition. The Committee voted 7-0-1 to include the Town Meeting Member language in the submitted Warrant Article (with the Clerk abstaining), but only 6-1-1 (with the Clerk abstaining) to recommend that RCV be used to elect Town Meeting Members.

The discussion of the warrant article at the Advisory Committee resulted in a similar split: although the AC ultimately recommended "no action" on the Warrant Article, the vote for favorable action was 1-23-3 with Town Meeting Members included, and 5-19-3 if Town Meeting Members were excluded.

## BALLOT DESIGN FOR A TYPICAL BROOKLINE ELECTION

The Committee discussed ballot design for a typical Brookline Election, focusing mostly on the worst case scenario presented in a redistricting year with as many as 20 candidates for Town Meeting.

The first assurance is that the warrant article contains language exempting races from RCV under certain circumstances, such as when the race is uncontested or where there are only two candidates running for a single-winner seat. Taking the May 2, 2023 ballot for Precinct 1 as an example,<sup>13</sup> Ranked Choice Voting would be used for the Select Board race (three candidates for two seats) and (unless the Committee's motion is amended) the Town Meeting Member race (6 candidates for 5 seats). However, because the races are uncontested it would not be used for the Library Trustee races (4 candidates for 4 seats for the 3-year terms; 1 candidate for 1 seat for the 1-year term) or three-year School Committee race (3 candidates for 3 seats). It would also not be used for the 1-year School Committee race or the Housing Authority race, as those are both 2 candidates running for a single seat. Ranked Choice Voting would also not affect how the 4 ballot questions in this election would be voted.

In the end then, one might expect an RCV ballot for the May 2, 2023 election in Precinct 1 to look broadly similar to the ES&S ballots used in Maine, as shown below; this example shows three races but our Brookline ballot would only need two (Select Board and Town Meeting

SS District 4 SR District 119
Style No. 1

**State of Maine Sample Ballot**  
General Election, November 3, 2020

	President Vice President						U.S. Senator						Rep. to Congress District 2			
Instructions to Voters	1st Choice	2nd Choice	3rd Choice	4th Choice	5th Choice	6th Choice	1st Choice	2nd Choice	3rd Choice	4th Choice	5th Choice	1st Choice	2nd Choice	3rd Choice		
<p><b>To vote, fill in the oval like this</b> ○</p> <p><b>To rank your candidate choices, fill in the oval:</b></p> <ul style="list-style-type: none"> <li>• In the 1st column for your 1st choice candidate.</li> <li>• In the 2nd column for your 2nd choice candidate, and so on.</li> </ul> <p><b>Continue until you have ranked as many or as few candidates as you like.</b></p> <p><b>Fill in no more than one oval for each candidate or column.</b></p> <p><b>To rank a Write-in candidate, write the person's name in the write-in space and fill in the oval for the ranking of your choice.</b></p>	Biden, Joseph R. Harris, Kamala D. Democratic	○	○	○	○	○	Collins, Susan Margaret Bangor Republican	○	○	○	○	○	Crafts, Dale John Lisbon Republican	○	○	○
	De La Fuente, Roque "Rocky" Richardson, Darcy G. Alliance Party	○	○	○	○	○	Gideon, Sara L. Prescott Democratic	○	○	○	○	○	Golden, Jared F. Lewiston Democratic	○	○	○
	Hawkins, Howard Walker, Angela Nicole Green Independent	○	○	○	○	○	Linn, Max Patrick Bar Harbor Independent	○	○	○	○	○	Write-in	○	○	○
	Jorgensen, Jo Cohen, Jeremy Libertarian	○	○	○	○	○	Savage, Lisa Solon Independent	○	○	○	○	○				
	Trump, Donald J. Pence, Michael R. Republican	○	○	○	○	○	Write-in	○	○	○	○	○				
	Write-in	○	○	○	○	○										

Turn Over for Additional Contests

<sup>13</sup> <https://www.brooklinema.gov/DocumentCenter/View/40894/Sample-Ballots-May-2-2023> ; archived at <https://web.archive.org/web/20230511073537/https://www.brooklinema.gov/DocumentCenter/View/40894/Sample-Ballots-May-2-2023>



Members).<sup>14</sup> The remainder of the races might be on the back of the ballot and look identical to the form we currently use.

Another illustrative ballot from Portland, Maine shows how even large numbers of candidates (for example, Town Meeting Member candidates in a redistricting year) might be handled:

**Official Ballot**  
**General Municipal Election**  
**Portland, Maine**  
**November 8, 2011**

CITY CLERK

A. To vote, complete the oval(s)  next to your choice(s), like this:

B. Rank Candidates for Mayor in order of choice, see special instructions below.

C. To vote for a write-in candidate, write the person's name in the write-in space and fill in an oval next to the name.

D. If you make a mistake, do not erase; ask for a new ballot.

**For Mayor**  
**Four Year Term**  
(Rank candidates in order of choice)

No more than one oval per column. No more than one oval per candidate.

	1st Choice	2nd Choice	3rd Choice	4th Choice	5th Choice	6th Choice	7th Choice	8th Choice	9th Choice	10th Choice	11th Choice	12th Choice	13th Choice	14th Choice	15th Choice
<b>Bragdon, Charles E.</b> <small>31 Munroy South</small>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Brennan, Michael F.</b> <small>49 Wellington Road</small>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Bryant, Peter G.</b> <small>18 Brook Court Estates #18</small>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Carmona, Ralph C.</b> <small>155 North Street #1</small>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Dodge, Richard A.</b> <small>7281 E Street Avenue</small>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Duson, Jill C.</b> <small>101 Pennell Avenue</small>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Eder, John M.</b> <small>101 Gray Street</small>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Haadoow, Hamza A.</b> <small>1 Coast Lane</small>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Lapchick, Jodie L.</b> <small>7 Clapham Street</small>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Marshall, David A.</b> <small>41 Pine Street #1</small>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Mavodones, Nicholas M. Jr.</b> <small>79 Chesney Street</small>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Miller, Markos S.</b> <small>17 Atlantic Street</small>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Rathband, Jed</b> <small>6 Everett Street</small>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Strimming, Ethan K.</b> <small>211 Spring Street</small>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Vail, Christopher L.</b> <small>1119 Washington Avenue</small>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Write-in	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Special Instructions:** Rank Candidates for Mayor in order of choice.

- Fill in the first oval to the right of your 1st choice candidate.
- Fill in the second oval to the right of your 2nd choice candidate.
- Continue until you have ranked all of your choices.
- You may rank as many or as few candidates as you wish.
- Fill in no more than one oval per candidate.
- Fill in no more than one oval per column.

**PLEASE CONTINUE VOTING ON OTHER SIDE**

Typically, a greater number of candidates will require a longer ballot paper. Section 2(a) in the Home Rule Petition allows for reducing the number of ranking options printed on the ballot if necessary to accommodate printing constraints.

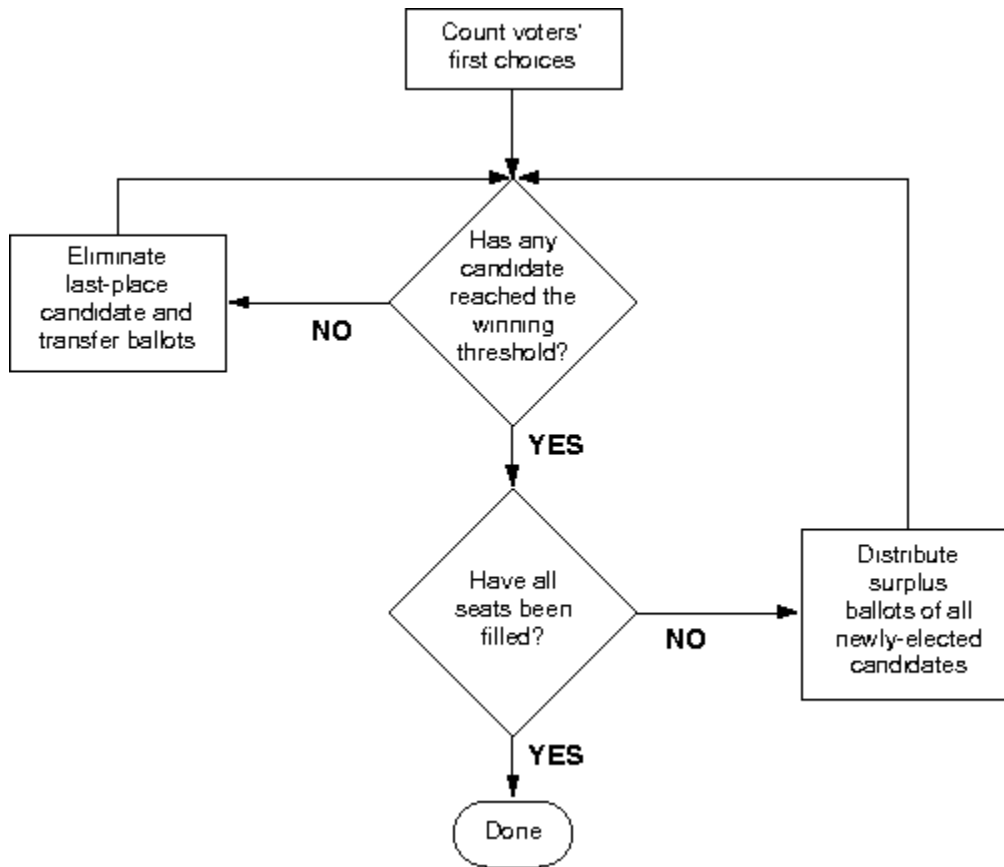
## PROCESS FOR MULTI-WINNER ELECTIONS

After evaluation of alternatives and substantial discussion, the Committee decided to recommend Proportional Ranked Choice Voting (Proportional RCV)—also known as

<sup>14</sup> Massachusetts law does require as many write-in spaces as there are seats to be elected; that is 2 write-in spaces for the Select Board race and 5 for the Town Meeting Member race; this contrasts with the Maine example where only a single write-in space is provided.



“Proportional Representation” and as “Single Transferable Vote”—for multi-winner elections. In Proportional RCV, the ballot is the same as in single-winner RCV. Voters simply rank candidates from first to last. The only thing that changes is the method of determining winners, described by the flowchart below.<sup>15</sup>



An aspect of Proportional RCV is that candidates who represent minority views or represent a minority population are more likely to gain some representation proportional to their voter support; a block of candidates supported by a majority can not completely shut out a substantial minority. For example, if there are three seats up for election and a block of three candidates has the support of 51% of the voter base while another candidate has the support of 49%; proportional voting schemes will typically ensure that the candidate with 49% support gains at least one of the three seats. One’s opinion of this aspect may depend on the particular minority viewpoint at issue.

<sup>15</sup> For more detail, see <https://www.youtube.com/watch?v=MSI7LYbjjWw> and <https://fairvote.org/our-reforms/proportional-ranked-choice-voting/>; in the flowchart the “threshold” is the minimum number of votes required so that it is mathematically impossible for more than the wanted number of candidates to win.

The Committee also noted certain downsides of Proportional RCV: tabulation of Proportional RCV is more complex than certain other RCV methods, and hand recounts—which are rare—are more time intensive when using Proportional RCV.

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 to less fairly represent voter base intentions.<sup>16</sup> 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.

#### PROPORTIONAL VOTING AND MINORITY REPRESENTATION

The purpose of [majority-minority precincts](#)<sup>17</sup> is to ensure minority representation in the presence of racially polarized voting. Since only two of Brookline's 17 precincts are majority-minority, racially-polarized voting (should it occur) would limit racial minorities to at most 12% of Town Meeting Member seats today, severely under-representing the 33% of Brookline's voting age population who are racial minorities. Proportional Ranked Choice Voting, on the other hand, would allow the minority population to win up to 26% of Town Meeting Member seats under polarized voting.<sup>18</sup>

#### IMPLEMENTATION VIA HOME RULE PETITION

In order to adopt RCV in municipal elections, a Home Rule Petition is necessary.<sup>19</sup> This is a request to the state legislature to pass a special act that would allow Brookline to change the manner of its elections. The Home Rule Petition must first be passed by Town Meeting. After passage by Town Meeting, the Select Board must send the Home Rule Petition 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

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<sup>16</sup> In the Advisory Committee hearing the "Borda Count" was also suggested, which the Committee ruled out as one of a family of mechanisms vulnerable to strategic voting and gamesmanship; see [https://en.wikipedia.org/wiki/Borda\\_count#Potential\\_for\\_tactical\\_manipulation](https://en.wikipedia.org/wiki/Borda_count#Potential_for_tactical_manipulation) for details.

<sup>17</sup> <http://www.publicmapping.org/what-is-redistricting/redistricting-criteria-the-voting-rights-act>

<sup>18</sup> For more detail, we've prepared a spreadsheet at <https://docs.google.com/spreadsheets/d/14y2-qGcAty6rOfnk8Zcyo5WuoQCKnUM-/preview>

<sup>19</sup> The conduct of municipal elections can also be altered through the charter process, which is in the family of Home Rule provisions.

become effective for municipal elections *only* if it receives a town-wide 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>20</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.
- 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, with incumbents noted.
- Discretion is given to the Clerk and the Board of Registrars in the handling of ties and ballot size issues.

The Home Rule petition also provides for future Town bylaws to be written regarding publication of results and voter education. The Committee decided to make recommendations in these areas rather than to seek immediate enforcement via a Town bylaw (or via inclusion in the Home Rule Petition), preferring to provide flexibility to the Town Clerk in the initial implementation. As the Clerk is in agreement with the recommendations of the Committee, perhaps bylaws will not be necessary. However, bylaws could be adopted in the future to enforce provisions of these natures if a future Town Meeting sees fit.

## TIME FRAME FOR IMPLEMENTATION

The Town Clerk indicated that it normally takes two to four months to prepare for an election, and the first RCV election would likely take longer.<sup>21</sup> There was concern that the passage by the state legislature might take place at an inopportune time. In response, the Committee crafted Section 5 of the Home Rule Petition to provide local control of timing via the Select Board's ability to schedule municipal elections. If Town Meeting passes the warrant article this May, 2023, and the state legislature passes the special act implementing the Home Rule Petition in this current session sometime before March 2024, the question of adopting RCV would be put

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<sup>20</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.

<sup>21</sup> Minutes of Sept 21, 2022 RCV meeting.

to town-wide vote in the municipal election in May 2024 and would be first used in the municipal election in May 2025, allowing plenty of time for the Town Clerk to prepare. If the legislature were to act quickly on the Home Rule Petition, the Select Board has the option to call an earlier special municipal election for the townwide ballot question to approve RCV, potentially allowing the use of RCV as early as the May 2024 municipal election—but before taking that action the Select Board would be expected to verify that this would still allow the Clerk sufficient time to prepare for the first RCV election.

## BUDGET GUIDANCE

The primary expense related to RCV was the acquisition of new voting machines capable of running an RCV election. In May 2021 Town Meeting approved funding for new machines in order to address end-of-life issues with the previous machines. The new machines were first used in the May 2022 Annual Town Election, and these machines are capable of running an RCV election. The Town Clerk expects the additional cost for RCV to be under \$10,000; primarily software and support but potentially also additional printing costs if larger ballots are required.

## BALLOT ORDER EFFECTS

At the February 13, 2023 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 that 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.

## RECOMMENDATIONS

In addition to the Home Rule Petition drafted as a warrant article, the Committee wishes to make the following recommendations regarding **voter education, publication of results, and accessibility**. In the Committee’s discussions, the Clerk is amenable to these recommendations.

## VOTER EDUCATION

If RCV is adopted, it is a strong recommendation of this Committee that the Town Clerk provide meaningful education to voters in advance of the first election in which RCV is used. The

Committee recommends that such education include a mailing explaining the RCV process to be sent to each household with one or more registered voters, and a public hearing to explain the RCV process with such hearing recorded and available on the Town website. On an ongoing basis, the Committee recommends that the Town Clerk provide training materials related to RCV to each newly registered voter and post explanatory information regarding RCV outside each polling place and with every mail-in ballot. Because the Town Clerk expressed agreement with these recommendations, the Committee decided not to include mandates regarding these or any other educational activities, and to leave the content and extent of such activities to the discretion of the Town Clerk and the Board of Registrars. Of course, Town Meeting could choose to mandate certain activities at any time in the future, and the home rule petition includes language specifying the role of any such bylaws Brookline may pass at a later date.

#### PUBLICATION OF RESULTS

The committee considered the fact that many localities currently using RCV 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 CVR requests made through the existing 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.

#### PHYSICAL, VISUAL, AND COGNITIVE ACCESSIBILITY TO VOTING

All the polls in Brookline are wheelchair accessible. Voters who are blind, visually impaired, have a condition that would make it difficult or impossible to mark a ballot or have reading difficulties can use the AutoMark ballot marking device. This allows the voter to privately view the ballot with an audio program, or enhanced imaging. The ballot can be marked either with buttons marked in braille, or by using a touch screen or Sip-N-Puff system or paddle device. Any voter who declares the need for assistance may be accompanied by someone who can provide that needed assistance or request a poll worker to provide them with confidential, nonpartisan help. The Committee recommends that these existing accessibility provisions be reviewed and updated to ensure they accommodate ranked choice voting.

## LANGUAGE ACCESS

In the Committee's public hearing, a member of the public suggested that language access be considered. Brookline has done an initial assessment of language needs<sup>22</sup> and it is the Committee's understanding that the Town budget for FY24 will include language access. The Committee strongly recommends that the RCV educational materials provided to voters be made available in appropriate languages, and that multilingual assistance to voters be provided on election day as well.

## CONCLUSION AND RECOMMENDATIONS

By a vote of 6-0-1 (with the Town Clerk abstaining) on May 11, 2023 the Committee approved this report on Ranked Choice Voting to be presented to the Select Board and to Town Meeting.

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<sup>22</sup> <https://www.brooklinema.gov/DocumentCenter/View/40842/Brookline-Data-Party-Presentation-41023>

## APPENDIX A: CHARGE TO THE COMMITTEE (PASSED BY SELECT BOARD JAN 25, 2022)

To implement the purposes of a vote of the November 2020 Town Meeting on Warrant Article 18, the Select Board hereby charges the Ranked-Choice Voting Study Committee (the “Committee”) 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, in order to better inform future debates on the use of Ranked-Choice Voting in Town. The Committee shall be organized as follows:

- a. The Committee shall be composed of five residents of Brookline appointed by the Select Board. The Select Board may appoint additional resident voting members to the Committee upon the request of the Committee.
- b. The Brookline Town Clerk, or the clerk’s designee, shall also be a voting member of the Committee.
- c. A majority of the voting members shall be a quorum for the conduct of business.
- d. A member of the Select Board shall be a voting member of the Committee for a total of 7 voting Committee members.<sup>23</sup>

### **The Committee’s tasks shall include:**

1. To study the equipment required to implement Ranked-Choice Voting in the Town, whether upgrades to existing machines or purchase of new machines, that would not sacrifice the auditability and reliability of our existing optical scan election processes;
2. To make specific recommendations, where appropriate, on the use, or not, of Ranked-Choice Voting for each Town-wide office;
3. To make specific recommendations, where appropriate, on the use, or not, of Ranked-Choice Voting for Town Meeting Member elections;
4. To study the design of ballots for typical races in Town, including Select Board and School Committee;
5. To recommend a process to be used for multi-winner elections, whether iterated one-winner election, a proportional system, or another;
6. To make a specific recommendations on implementation via Home Rule Petition;
7. To recommend a time frame for potential implementation;
8. To provide budget guidance, both for the FY23 budget process as well as expected annual costs, for implementing and then using Ranked-Choice Voting in Town;

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<sup>23</sup> The initially-approved charge stipulated that the Select Board representative would also chair the committee; see minutes of the Committee’s Aug 18, 2022 meeting.



9. To produce a Report for submission to the Select Board. In preparing its Report, the Committee shall
  - i. hold at least one public hearing and take for its consideration the comments of the public;
  - ii. prepare a draft of the Report with a preliminary list of recommendations, incorporating any appropriate comments from the public hearing;
  - iii. present the preliminary recommendations to the Town Clerk, Town Counsel, and the Town Administrator for their comment as to feasibility and compliance with Town bylaws, contractual obligations, or federal or state requirements; and (iv) meet to vote on the final Report, including recommendations that incorporate any agreed comments of the Town Clerk, Town Counsel, and the Town Administrator.

Following the Committee's vote on the final Report, the Committee shall present the Report to the Select Board and submit it for inclusion in the Combined Reports of the next Town Meeting.

## 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.

## WARRANT ARTICLE EXPLANATION (AS FILED)

This article is filed on behalf of the Ranked Choice Voting Study Committee,<sup>24</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>25</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>26</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.

## HISTORY

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<sup>24</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>25</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>26</sup> <https://www.brooklinema.gov/2077/Ranked-Choice-Voting-Study-Committee>

In November 2020, “Massachusetts Question 2”, a ballot initiative for state-wide RCV,<sup>27</sup> failed statewide although 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>28</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

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<sup>27</sup> Restricted to single-winner contests in primary and general elections for statewide offices, state legislative officers, and congressional offices.

<sup>28</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.



- 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;
- 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.

Today, 64 American jurisdictions have RCV in place, reaching approximately 13 million voters. This includes two states, two counties, and 60 cities and towns. Military and overseas voters cast RCV ballots in federal runoff elections in six states. In Massachusetts, four cities and towns have submitted home rule petitions for RCV in the current legislative session: Amherst, Arlington, Concord, and Northampton. Like Brookline, Acton 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. Lastly, RCV is under discussion by activists and elected officials in at least a dozen other communities around the state.

## 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 by Town Meeting, the Select Board must send the Home Rule Petition 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>29</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.)
- 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

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<sup>29</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 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 redistricting years, the next of which will follow the 2030 Census, many candidates would be on the ballot which could make it challenging for voters to determine rankings among 15 or more candidates. The Committee decided to leave the Home Rule Petition as broad as possible by including Town Meeting Members in the language of the Home Rule Petition and thus giving Town Meeting the ability, during its debate, to include or (by amendment) exclude Town Meeting Members in the Home Rule Petition. 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 (with the Clerk abstaining) 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 that 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 have been 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. 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. 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 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 CVR requests made through the existing 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.

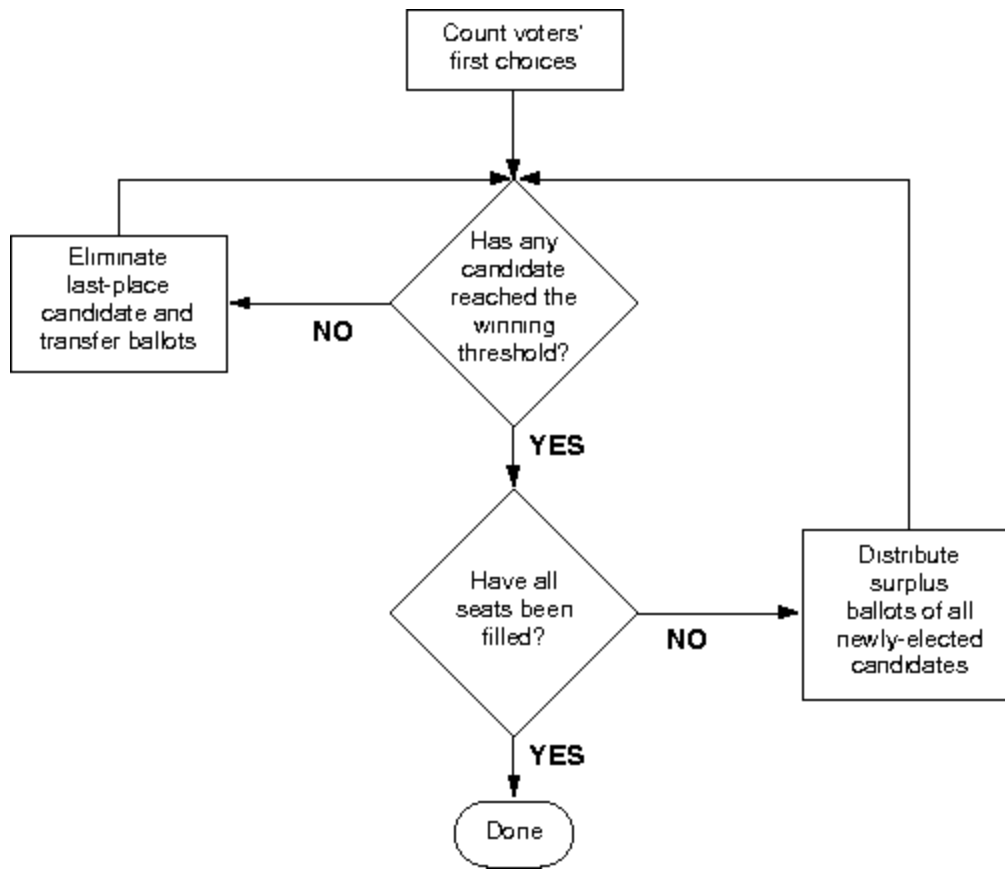
If RCV is adopted, the Committee believes that the Town Clerk should provide meaningful education to voters in advance of the first election in which RCV is used. The Committee recommends that such education include a mailing explaining the RCV process to be sent to each household with one or more registered voters, and a public hearing to explain the RCV process with such hearing recorded and available on the Town website. On an ongoing basis, the Committee recommends that the Town Clerk provide training materials related to RCV to each newly registered voter and post explanatory information regarding RCV outside each polling place and with every mail-in ballot. Because the Town Clerk expressed agreement with these recommendations, the Committee decided not to include a warrant article with mandates regarding these or any other educational activities, and to leave the content and extent of such activities to the discretion of the Town Clerk and the Board of Registrars. Of course, Town Meeting could choose to mandate certain activities at any time in the future, and the home rule petition includes language specifying the role of any such bylaws Brookline may pass at a later date.

#### DISCUSSION OF PROPORTIONAL METHODS FOR MULTI-WINNER ELECTIONS

After substantial discussion, the Committee decided to recommend Proportional Ranked Choice Voting (Proportional RCV)—also known as “Proportional Representation” and as “Single Transferable Vote”—for multi-winner elections. In Proportional RCV, the ballot is the same as in single-winner RCV. Voters simply rank candidates from first to last. The only thing that changes is the method of determining winners, described by the flowchart below.<sup>30</sup>

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<sup>30</sup> For more detail, see <https://www.youtube.com/watch?v=MSI7LYbqjWw> and <https://fairvote.org/our-reforms/proportional-ranked-choice-voting/>



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An aspect of Proportional RCV is that candidates who represent minority views or represent a minority population are more likely to gain some representation, proportional to their voter support; a block of candidates supported by a majority can not completely shut out a substantial minority. For example, if there are three seats up for election and a block of three candidates has the support of 51% of the voter base while another candidate has the support of 49%; proportional voting schemes will typically ensure that the candidate with 49% support gains at least one of the three seats. One’s view of this aspect may depend on the particular minority viewpoint at issue.

The Committee also noted certain downsides of Proportional RCV: tabulation of Proportional RCV is more complex than certain other RCV methods, and hand recounts—which are rare—are more time intensive when using Proportional RCV.

#### APPROVAL OF EXPLANATION

By a vote of 5-0 on March 15, 2023, the Committee voted to approve this Explanation to accompany its Warrant Articles.

<sup>31</sup> The threshold is the minimum number of votes required so that it is mathematically impossible for more than the wanted number of candidates to win.