

ARTICLE 2

**BROOKLINE POLICE DEPARTMENT  
BODY WORN CAMERA POLICY**

**ARTICLE \_\_\_\_, BODY WORN CAMERAS**

**A. Bargaining unit officers shall be required to wear body worn cameras (BWCs) while on duty in accordance with the following policy:**

In Car and Body Worn Camera Policy

**Sec. 1 GENERAL CONSIDERATIONS:**

The purpose of this policy is to establish guidelines for the proper use, management, storage, and retrieval of video and audio data recorded by Body Worn Cameras (BWCs) and In-Car Video (ICV). BWCs and ICV are effective law enforcement tools that reinforce the public's perception of police professionalism and preserve factual representations of officer-civilian interactions. BWCs and ICV may be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of incidental evidence or contraband. The equipment will enhance the Department's ability to document and review statements and events during the course of an incident, preserve video and audio information and evidence for investigative and prosecutorial purposes. BWC and ICV recordings, however, provide limited perspective of encounters and incidents and must be considered with all other available evidence, such as witnesses' statements, officer interviews, forensic analysis, and documentary evidence. Additionally, studies have shown that BWCs are a contributing factor in reducing complaints against police officers, increasing police accountability, and enhancing public trust. It is the policy of the Department to respect the legitimate privacy interests of all persons in Brookline, while ensuring professionalism in its workforce. Officers shall only use BWCs and ICV within the context of existing and applicable federal, state, and local laws, regulations, and Department rules and policies. The Department prohibits recording civilians based solely upon the civilian's political or religious beliefs or upon the exercise of the civilian's constitutional rights, including

but not limited to freedom of speech, religious expression, and lawful petition and assembly. BWC and ICV footage shall not be reviewed to identify the presence of individual participants at such events who are not suspected of unlawful conduct. BWCs and ICV will not include technological enhancements including, but not limited to, facial recognition, or night-vision capabilities. When performing any patrol function, as determined by the Police Chief, officers must wear and activate BWCs and ICV according to Department policy. All law enforcement officers with the authority to conduct searches and make arrests may be required to wear a body camera. Plain clothes detectives, except when executing search or arrest warrants, officers on the desk and officers assigned to work inside the police station shall not be required to wear the cameras while doing so. When executing search or arrest warrants, plain clothes detectives must wear BWC in compliance with this policy.

## **Sec. 2 PROCEDURES:**

### **Sec. 2.1 Training:**

Prior to being issued a BWC or operating a police cruiser with ICV, officers shall successfully complete training related to this policy, to be provided by, or arranged by, the Department, as well as in the activation, use, categorization, and uploading of data. All department personnel who may supervise officers wearing BWCs or ICV will require access to review videos shall also attend Department approved training. To ensure safe staffing, all training shall be conducted outside of an officer's shift assignments.

### **Sec. 2.2 Camera Activation and Incidents of Use:**

- a) Officers shall activate the BWC and ICV whenever a law enforcement officer is responding to a call for service or at the initiation of any other law enforcement or investigative encounter between a law enforcement officer and a member of the public, including but not limited to encounters set forth below; provided, however, that when an immediate threat to the officer's life or safety makes activating the camera impossible or dangerous, the officer shall activate the camera at the first reasonable opportunity to do so. Once activated, the

officer shall not deactivate the BWC until the encounter has fully concluded and/or the officer leaves the scene (see Section 2.5, BWC and ICV Deactivation).

1. Vehicle Stops;
  2. Investigative person stops: consensual, or articulable reasonable suspicion stops (requiring a field interview entry), or stops supported by probable cause;
  3. All dispatched calls for service involving contact with civilians;
  4. Initial responses by patrol officers, including on-site detentions, investigations pursuant to an arrest, arrests, and initial suspect interviews on-scene;
  5. Transport of prisoners;
  6. Pat frisks and searches of persons incident to arrest (if not already activated);
  7. Incidents of Emergency Driving (ICV);
  8. Incidents of Pursuit Driving (ICV);
  9. When an officer in crowd control duty reasonably believes that disruptive or other unlawful activity may occur;
  10. Any contact that becomes adversarial, including a Use of Force incident, when the officer has not already activated the BWC; or
  11. Any other civilian contact or official duty that the officer reasonably believes should be recorded to enhance policing transparency, increase public trust and police-community relations, or preserve factual representations of officer-civilian interactions.
- b) **Buffering Mode:** All BWC and ICV equipment shall be programmed with a pre-event buffering mode that causes the body camera to continuously record and retain only the most recent 30 seconds of video and audio prior to an officer's activation of their body camera. Such pre-event recordings shall attach to, and be considered a part of, any recording that result from an officer's activation of their body camera.
- c) If an officer fails to activate the BWC or ICV, fails to record the entire contact, or interrupts the recording, the officer shall document in the incident report that a recording failure occurred. If an officer fails to activate the BWC or ICV, fails to record the entire contact, or interrupts the recording, and does not create an incident report, the officer shall submit BWC/ICV Special Notification Form to their Supervisor to document that a recording

failure occurred by the end of the shift or as soon as practical. The Supervisor shall submit the officer's form through their chain of command to their Deputy Superintendent.

### **Sec. 2.3 Privacy**

Notwithstanding the requirements of Section 2.2:

- a) Private Residence: Prior to entering a private residence without a warrant or in non-exigent circumstances, a law enforcement officer shall ask the occupant if the occupant wants the officer to discontinue use of the officer's BWC. If the occupant responds affirmatively, the law enforcement officer shall immediately discontinue use of the BWC. Officers recording in a residence shall be mindful not to record beyond what is necessary to the civilian contact, and shall not use the BWC with exploratory intent to create an inventory of items in the residence. If at any time, an officer reasonably believes that disruptive or other illegal activity may occur, he/she, is authorized to activate the BWC notwithstanding the lack of consent from the occupant. Whenever an officer enters a private residence with a warrant or in exigent circumstances, he/she shall activate the BWC upon entering the residence.
- b) Apparent Crime Victim: When interacting with an apparent crime victim, a law enforcement officer shall, as soon as practicable, ask the apparent crime victim, if they want the officer to discontinue use of the officer's BWC. If the apparent crime victim responds affirmatively, the law enforcement officer shall immediately discontinue use of the BWC.
- c) Anonymous Reporting: When interacting with a person seeking to anonymously report a crime or assist in an ongoing law enforcement investigation, a law enforcement officer shall, as soon as practicable, ask the person seeking to remain anonymous if they want the officer to discontinue use of the officer's BWC. If the person seeking to remain anonymous responds affirmatively, the law enforcement officer shall immediately discontinue use of the BWC.
- d) Areas Where There May be a Reasonable Expectation of Privacy: BWCs shall not be used to gather intelligence information based on First Amendment protected speech, associations, or religion, or to record activity that is unrelated to a response to a call for service or a law

enforcement or investigative encounter between a law enforcement officer and a member of the public.

- e) All law enforcement officers to discontinue the use of a BWC made pursuant to this Section, and the responses thereto, shall be recorded by the BWC prior to discontinuing the use of the BWC.
- f) BWC and ICVs shall not be equipped with any facial recognition technologies.
- g) If an officer turns off the BWC for reasons set forth in Sections 2.3(a-d), the officer shall document this action in the incident report. If the officer does not create an incident report, the officer shall submit a BWC Special Notification Form to their Supervisor to document the act to stop recording by the end of the shift or as soon as practical. The Supervisor shall submit the officer's Form to their Platoon Commanding Officer. The Platoon or Unit Commander or their designee shall provide a copy of the form to their Deputy Superintendent.

**Sec. 2.4 Notice of Recording:**

- a) The officer shall notify the subject(s) of the recording that they are being recorded by both audio and video as close to the inception of the encounter as is reasonably possible unless there is an immediate threat to the officer's life or safety or the life or safety of any other person, or the circumstances are such that notification would be impractical. Officers shall notify civilians with language such as "I am advising you that I am recording our interaction by audio and video with my Body Worn Camera and/or ICV."
- b) Officers shall not record civilians surreptitiously.

**Sec. 2.5 BWC Deactivation:**

Once the officer activates the BWC/ICV, the officer will continue recording until the event has fully concluded and/or the officer leaves the scene. To the extent possible, prior to deactivating a BWC/ICV, the officer shall state the reason for doing so. Below is a non-exhaustive list of examples of when deactivation may be permissible:

1. The officer has concluded the interaction;

2. All persons stopped have been released or left the scene or an arrestee has arrived at the station for booking. If a transporting officer has a BWC/ICV, that officer shall continue recording until the transporting officer arrives inside the station at the booking desk;
3. The officer deactivates the BWC/ICV pursuant to Section 2.3;
4. The incident has concluded prior to the arrival of the officer;
5. A supervisor orders the officer to turn the camera off in accordance with this policy.

**Sec. 3 CAMERA DEPLOYMENT:**

**Sec. 3.1 Officer Responsibility:**

BWC and ICV equipment is the responsibility of every officer issued the equipment or vehicle that has ICV. Officers must use the equipment with reasonable care to ensure proper functioning. Officers shall inform their Supervisors as soon as possible of equipment malfunctions of BWC/ICV or loss of a BWC so that the Supervisors can procure a replacement unit. Police officers shall use only BWCs and ICV issued by this Department. The BWC and ICV equipment and all data, images, video recordings, audio recordings, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the Brookline Police Department and shall not be released without the authorization of the Chief of Police or their designee.

1. At the beginning of each shift, the officer will:
  - a. Ensure that the issued equipment has a fully charged battery and is functioning properly; and
  - b. Ensure that the BWC/ ICV does not contain data from a prior shift; and
  - c. Notify a Supervisor whenever there is a malfunction or damage to the BWC or ICV.
2. During each shift, the officer shall:
  - a. Affix their BWC properly upon their uniform in a manner consistent with training;
  - b. Position and adjust the BWC to record events;
  - c. Position and adjust the BWC microphone to ensure that it is unobstructed;
  - d. Activate the BWC and record as outlined in Section 2 above;
  - e. Document the existence of a BWC/ICV recording in all of the appropriate documents, i.e. Incident Report, Citation, FIO, Administrative Reports;

- f. Notify investigative or specialized unit personnel of the existence of BWC/ICV recording; and
- g. Document in the incident report the circumstances and reasons if the officer fails to activate the BWC/ICV, fails to record the entire contact, interrupts the recording, or the BWC/ICV malfunctions. If the officer does not create an incident report, the officer shall submit a BWC/ICV Special Notification Form to their Supervisor to document the circumstances and reasons. The Supervisor shall submit the officer's Form through their chain of command to their Deputy Superintendent.

3. Prior to end of shift: docking/uploading requirements:

- a. At the end of the shift, each officer shall place their BWC in their assigned docking station. The docking station will charge the BWCs battery and transfer video data to the storage system.
- b. If an officer becomes aware that this process is not occurring or becomes aware of any other malfunction of the system, the officer shall notify their Supervisor immediately.
- c. The ICV will be programmed to upload automatically.

**Sec. 3.2 Labeling and Categorization of BWC Recordings:**

Proper categorization of recorded data is critical. The retention time for recorded data typically depends upon the category of the event captured in the video. Accurate categorization and accurate descriptions also help officers, supervisors, prosecutors, and other authorized personnel to readily identify and access the data they need for investigations or court proceedings.

**Section 3.2.1 Categorization:**

At the conclusion of the call or prior to the end of their shift, officers shall assign uploaded data into the appropriate BWC Mobile Device Application categories in accordance with the nature of police activity. Categorization options are in order of the seriousness of offense and should be labeled to reflect the most serious nature of police activity. These categories include but are not limited to:

1. Death Investigation
2. Use of Force- Lethal/Less Lethal
3. Sexual Assault/Abused Person
4. Use of Force
5. Arrest
6. Felony - No Arrest
7. Misdemeanor - No Arrest
8. Investigate Person
9. Investigate Premise
10. Significant Event - Public Safety
11. Traffic Stop
12. Encounter/FIO
13. Medical Assist
14. No Report-Dispatched/On Site
15. Test/Training

The Department may develop additional categories, as needed. If an officer is assisting other officers on a call, the assisting officer shall use the category of the original incident.

**Sec. 3.2.2 Body Worn Camera Mobile Device Application:**

Officers assigned a BWC shall comply with the use of Department authorized mobile phone application for all BWC requirements. Employees shall follow the training and procedures provided by the Brookline Police and BWC vendor.



**Section 3.2.3 Title Description:**

Officers shall appropriately title each data file through the BWC Mobile Device Application with incident location. Officers may also include in the title description specifics of the incidents not easily categorized above for ease of retrieval. Officers shall properly title all footage at the conclusion of the call or prior to the end of their shift.

**Sec. 3.2.4 ID Description:**

Officers shall assign the BWC Mobile Device Application “ID” field as the incident number.

**Sec. 3.3 Redaction:**

- a. Officers wearing BWCs should be aware that their BWCs may unintentionally capture private/security information such as door codes, phone codes, and computer codes. If the officer knows that their BWC captured sensitive information or material, the officer shall inform their Supervisor and request redaction of the video prior to distribution to any outside parties. The officer shall document in the BWC/ICV Special Notification Form (a template of which is attached to this policy) to their Supervisor the nature of the information captured and the request for redaction. The Supervisor shall submit the officer’s Form to their Platoon or Unit Commanding Officer. The Platoon or Unit Commanders or their designee shall provide a copy of the form to their Deputy Superintendent and an additional copy to Video Evidence Unit to maintain the record. The Superintendent of Police or OPR Lieutenant or designee will authorize redaction when they determine it is necessary.
- b. Audio and/or video recordings shall be redacted to obscure the identities of minor children prior to distribution to any outside parties.

**Sec. 4 RECORDING RESTRICTIONS:**

**Sec. 4.1 Improper Recording:**

Officers shall not use BWCs or ICVs to record in violation of this policy or any rule or procedure of the Brookline Police Department. Instances where recordings should generally not be made, unless otherwise authorized, include:

1. During breaks, lunch periods, or time periods when an officer is not responding to a call, or when not in service;
2. Any personal conversation of or between other department employees without the recorded employee's knowledge and consent;
3. Non-work related personal activity, especially in places where a reasonable expectation of privacy exists, such as locker rooms, dressing rooms, or restrooms;
4. Investigative briefings;
5. Encounters with undercover officers or confidential informants, unless authorized; or
6. Departmental meetings, workgroups, in-service training, or assignments of an operational or administrative nature.

Using BWCs for training purposes is not a violation of this restriction. If an officer inadvertently records as listed above, the officer shall follow the request to redact/delete procedures described in Section 3.3.

**Sec. 4.2 Improper Use of BWC Footage:**

1. Officers shall use BWC and ICV data, images, video recordings, audio recordings, or metadata only for legitimate law enforcement reasons. They shall not use data, images, video recordings, audio recordings, or metadata for personal reasons, or non-law enforcement reasons.
2. Department personnel shall not use BWC or ICV data, images, video recordings, audio recordings, or metadata to ridicule or embarrass any employee or person depicted on the recording.
3. Department personnel shall not disseminate BWC or ICV data, images, video recordings, audio recordings, or metadata unless the Police Chief or their designee approve the

dissemination and the Department personnel disseminates the BWC data, images, video recordings, audio recordings, or metadata in the course of their official duties.

4. Department personnel shall not copy or otherwise reproduce any BWC or ICV recording/footage (including using an iPhone, iPad, or other electronic or other device)
5. BWC footage shall not be reviewed randomly or on a scheduled basis to monitor officer performance or for possible misconduct. Managers, supervisors and Internal Affairs shall be allowed to review relevant BWC footage to investigate complaints against officers or review a specific incident of concern in which an officer is involved. Officers subject to any such complaint shall not be allowed to review BWC footage prior to completing any required initial reports, statements, and interviews regarding the complaint or specific incident. Officers shall be permitted the opportunity to submit a supplemental statement and/or report after reviewing relevant BWC footage.

## **Sec. 5 SUPERVISOR RESPONSIBILITIES:**

### **Sec. 5.1 Supervisors:**

All supervisors assigned to oversee officers utilizing Department-issued BWCs and ICVs shall:

1. Ensure officers are utilizing their BWC and ICV consistent with this directive.
2. Ensure BWCs and related equipment are kept in a secure location within the police station.
3. Notify the Video Evidence Unit if an officer utilizes a BWC that is not assigned to him or her, so the Unit may reassign the recordings of audio and video to the officer who created the recordings.
4. Contact the Video Evidence Unit whenever any officer is unable to use the BWC/ICV or upload digitally recorded data due to technical problems.
5. Request replacement BWC/ICV equipment from the Video Evidence Unit when an officer indicates the equipment is lost or malfunctioning via the Special Notification Form. Once procured by Video Evidence Unit ensure new equipment is received by requesting officer.

6. Ensure that officers include all required references to BWC and ICV in appropriate Department documentation, such as incident reports. Supervisors may review BWC/ICV data, images, video recordings, audio recordings, or metadata, consistent with this Policy, to approve any reports.

**Sec. 5.2 Division or Unit Commanding Officers or Designees:**

Commanding officers or their designee will review BWC and/or ICV activity logs and reports to ensure officers remain in compliance with Department policy and training.

**Sec. 6 INTERNAL ACCESS/REVIEW:**

**Sec. 6.1 Officer Access to Their Own Footage When Incident Involves Use of Force:**

- a) No law enforcement officer shall review or receive an accounting of any BWC or ICV footage that captures an interaction or event involving any use of force prior to completing any required initial reports, statements, and interviews regarding the recorded event, unless doing so is necessary, while in the field, to address an immediate threat to life or safety. Officers shall be permitted the opportunity to submit a supplemental statement and/or report after reviewing relevant BWC footage.
- b) The on-scene incident commander shall be permitted to view BWC/ICV video and relay necessary information if exigent circumstances exist and it is necessary to view the video to (1) identify suspect information or (2) gather pertinent information that is necessary to protect life or safety prior to State Police or Detective Deputy Superintendent and OPR arrival.
- c) For purposes of this policy, “Use of Force” shall mean any action by a law enforcement officer that (1) results in death, injury, complaint of injury, or complaint of pain that persists beyond the use of a physical control hold, or (2) involves the use of a weapon, including a personal body weapon, chemical weapon, chemical agent, impact weapon, extended range impact weapon, sonic weapon, sensory weapon, conducted energy device, or firearm, against a member of the public, or (3) involves any intentional pointing of a firearm at a member of the public.

**Sec. 6.2 Officer Access to Their Own Footage When Incident Does Not Involve Use of Force:**

- a) Law enforcement officers shall have the opportunity to review any BWC or ICV footage that captures an interaction or event that does not involve any use of force prior to completing any required initial reports, statements, and interviews regarding the recorded event. To help ensure accuracy and consistency, officers should review the BWC and/or ICV footage prior to preparing reports.

If an officer requests access to footage be made available for a time frame longer than the retention schedule allows, a request to extend retention schedule via the BWC/ICV Special Notification Form must be sent to the Video Evidence Unit. If an officer needs a physical copy of their footage, a request shall be made via the online BWC/ICV Special Notification Form and sent to the Video Evidence Unit. Physical copies of the video shall be subject to M.G.L. Ch. 66, Sec. 10 and in accordance with all applicable state laws and regulations.

**Sec 6.3 Collecting and Securing BWC/ICV Footage Following an Officer Involved Death, Officer Involved Shooting, or Other Use of Deadly Force:**

In accordance with Brookline Police procedures the Patrol Supervisor shall respond immediately to a death investigation or reported use of deadly force. The Patrol Supervisor, as soon as circumstances allow, shall collect and secure all BWC/ICV equipment, including department-issued mobile devices, which belong to the officers who: (1) were involved in the incident, (2) discharged their weapon, and/or (3) witnessed during the time of the officer involved death, officer involved shooting or other use of deadly force, and store the equipment in a secure compartment of their vehicle until the Detective Deputy Superintendent or OPR Lieutenant arrive. Once on scene, the Detective Deputy Superintendent or OPR Lieutenant shall secure any remaining BWC equipment from involved officers and witness officers, as well as equipment already secured by the Patrol Supervisors, at the earliest opportunity. The Detective Deputy Superintendent or OPR Lieutenant will transport the cameras to the Detective Division to upload

to the system. The BWC equipment will be returned to the officer as soon as possible following the event. Once uploaded, the Video Evidence Unit shall restrict video access from all users except for the District Attorney's Office investigators, Detective Division Deputy Superintendent, OPR Lieutenant, Chief or Superintendent and Detectives assigned to the case on as need basis.

**Sec. 6.4 Officer Access to Footage of Another Officer:**

Officers who need to review video or audio footage from another officer shall make a request via the online Special Notification Form to the Video Evidence Unit describing why they need to review the footage. The Commander (Superintendent or designee) of the Video Evidence Unit shall approve or deny the request. With approval, the Video Evidence Unit will provide access to the video and audio footage to the requesting officer. If providing another officer's video or audio, the Video Evidence Unit shall notify the Commander of the officer whose BWC/ICV footage is requested that the BWC/ICV footage is being shared.

**Sec. 6.5 Supervisor Access to Footage:**

Any supervisor within the recording officer's chain of command, any Deputy Superintendent, and OPR, may review footage consistent with Section 4.2. A supervisor outside of the chain of command shall only be allowed to review footage with the permission of Chief of Police, Superintendent or designee.

**Sec. 6.6 Office of Professional Responsibility Access to Footage:**

Office of Professional Responsibility will conduct periodic checks to ensure Department personnel are using BWCs/ICVs according to Department policy.

**Sec. 7 DETECTIVE SUPERVISORS AND DETECTIVE RESPONSIBILITIES:**

Detective Supervisors must ensure that detectives adhere to the duties and responsibilities as follows in this Section: Detectives will not use the BWC/ICV system or BWC/ICV evidence storage system until they have successfully completed the required training. The Department will

give detectives access to all BWC/ICV footage related to their assigned cases and detectives shall review all footage that relates to their assigned case. When assigned a case for investigation, the assigned detectives will: 1. Determine the identity of all involved officers. 2. Search evidence.com for any associated BWC/ICV media, using applicable search parameters to verify that they have located all relevant files. BWC/ICV footage related to an incident may be updated at a later time or date. Detectives must be aware of and organize all BWC/ICV footage related to their cases. Should a detective consider material too sensitive to be accessible for other members of the Department, the detective shall notify their supervisor of the sensitive material. The detective's supervisor shall review the video and, if deemed appropriate, send a request via the BWC/ICV Special Notification Forms to the Video Evidence Unit to make the data unavailable for a given amount of time.

**Sec. 8 EXTERNAL ACCESS:**

**Sec. 8.1 Prosecutorial / Law Enforcement Access:**

Federal, state, and local prosecutors shall make requests for BWC/ICV footage directly to the Video Evidence Unit. In accordance with current practice, should an officer receive a subpoena for BWC/ICV footage, the officer shall email a copy/attachment of the subpoena to the appropriate Brookline Police Court Prosecutor and the Video Evidence Unit for response. Officers are not permitted to provide video to any external partners and shall forward any requests made without a subpoena directly to the Video Evidence Unit. Upon receipt of the request, Video Evidence Unit shall determine if the case has been assigned to a detective. If the case has a detective assigned, the Unit will advise the federal, state, and local prosecutors to directly contact the detective supervisor for the related case. The detective supervisor or their designee will then contact and authorize the release of the video via the online Request Form. If no detective is assigned to the case, Video Evidence Unit shall review the BWC/ICV footage and provide it directly to the requestor after approval from Video Evidence Unit supervisor.

**Sec. 8.2 Public Information Requests:**

Video Evidence Unit shall respond to public information requests submitted under M.G.L. Ch. 66, sec. 10 in accordance with all applicable state laws and regulations.

**Sec. 8.3 Other External Information Requests:**

The Department may receive requests for BWC/ACV footage not covered by sections 8.1 and 8.2. For example, civil discovery requests are appropriately submitted to the assigned attorney in the Office of the Town Counsel, and requests for information submitted by a collective bargaining representative under M.G.L. c. 150E are appropriately submitted to Office of Town Counsel. Should an officer receive a civil case subpoena or court order, he or she shall forward the request directly to the Office of the Town Counsel and notify the Brookline Police Court Prosecutor for Brookline District Court cases or Brookline Police Court Prosecutor (Dedham) for Dedham or out of jurisdiction cases. Officers need to also notify their Platoon or Unit Commander. If Town Counsel receives other external requests for BWC/ACV footage, they shall request necessary and responsive footage from the Video Evidence Unit via the Town Counsel Liaison or Court Prosecutor. The Video Evidence Unit shall maintain a log of the request, and assist the Town Counsel's office to collect and process the requested footage. The Video Evidence Unit shall provide the requested footage to the Town Counsel's office, and complete redactions if required by Town Counsel. The Town Counsel will be responsible for the review, approval, and release of footage to the appropriate person(s) as consistent with applicable law and agreements.

**Sec. 8.4 Officer Notification:**

In cases where the officer has not received a subpoena or request for BWC/ACV footage directly, the Video Evidence Unit will inform officers when their videos and/or BWC/ACV information are released.

**Sec. 8.5 Detective Notification:**



When releasing BWC/ICV footage to the public that has been designated as part of an investigation via the BWC/ICV Platform, the assigned detective shall be notified.

**Sec. 9 RETENTION:**

**Sec. 9.1 Camera Storage:**

BWC/ICV recordings and data are kept in a cloud-based storage platform managed by Video Evidence Unit.

**Sec. 9.2 Video Footage Retention:**

- a) Except as provided in Sections 9.2(b-c) below, the Department shall retain all BWC/ICV footage for no less than three (3) years from the date it was recorded, after which time such footage shall be permanently deleted.
- b) The Department shall retain BWC/ICV footage for no less than seven (7) years if video footage captures an interaction or event involving:
  1. Any Use of Force as defined in Section 6.1(c) of this policy; or
  2. An encounter about which a complaint has been registered by a subject of the video footage.
  3. Arrest
  4. Felony – No Arrest
- c) The Department shall retain BWC/ICV footage indefinitely if video footage captures an interaction or event involving:
  1. Death
  2. Use of Force – Lethal/Less Lethal
  3. Sexual Assault/Abused Person
- d) In all situations involving ongoing disciplinary proceedings, arbitration proceedings, administrative hearings, court proceedings and all other active litigation, BWC recording shall be retained until such proceeding have become final.

**Sec. 10 ENFORCEMENT:**

Any law enforcement officer, employee, or agent who fails to adhere to the recording or retention requirements as contained in this policy, intentionally interferes with a BWCs/ICVs ability to accurately capture video footage, or otherwise manipulates the video footage captured by a BWC/ICV during or after its operation shall be subject to disciplinary action up to and including termination.

**Sec. 11 SELECTION OF A VENDOR:**

The Town will include the Union in the process to select a vendor to provide the BWC/ICV equipment. However, the Town reserves the right and authority to make the final decision as to vendor selection.

**Sec. 12 IMPLEMENTATION:**

The BWCs will not be deployed for purposes other than training until all officers required to wear them have been trained on this policy, and the operation, maintenance, custody and administrative requirements imposed upon them in connection with the deployment. The Town commits to providing additional training as necessary. All newly hired officers, or officers already working for the Town who have not previously been required to wear BWCs, shall receive training as outlined above in advance of any requirement to wear them.

ARTICLE 7

**REVISED MOTION OFFERED BY SELECT BOARD MEMBER  
JOHN VANSKOYOC**

MOVED: (new language is in **bold and underline**, deleted language is ~~struck~~)

70. Appropriate **a maximum of One Hundred and Thirty-Five Million (\$135,000,000), based on "Option R" for improvements to the 1970's Pierce building and the historic Pierce Primary, as presented to the Pierce School Building Committee on Dec. 13, 2021. Renovations shall proceed according to a construction timetable that minimizes relocations while providing for the maximum feasible continuity of educational use of both school buildings. The project shall include the payment of all costs related to designing the newly renovated school facility,** ~~Two Hundred Nine Million Nine Hundred Fifteen Thousand Nine Hundred Fifty Eight Dollars (\$209,915,958) to pay costs of constructing a new PreK8 School which includes renovations/addition to the existing historic Pierce School and other site improvements including reconstruction and repair of the Town Hall and Pierce School garages which are beneath the new school and the Town Park across School Street, including the payment of all costs related to designing the new school project,~~ equipping and furnishing the school, site improvements, and all other costs incidental and related thereto (the "Project"), which new school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the Town may be eligible for a grant from the Massachusetts School Building Authority (the "MSBA"), said amount to be expended under the direction of the Town of Brookline Select Board; that to meet this appropriation the Treasurer, with the approval of the Select Board, is authorized to borrow said amount pursuant to G.L. c.44, §7(1) or G.L. c.70B, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; that the Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; that any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) thirty-five and fifty-five hundredths percent (35.55%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; that the amount of the borrowing authorized by this vote shall be reduced by any grant amount set forth in and received pursuant to the Project Funding Agreement that may be executed between the Town and the MSBA; provided, however, that the appropriation and authorization to borrow pursuant to this vote shall be contingent upon the Town's passage of a ballot question to exempt the principal and interest payments on such borrowing from the tax limitations of G.L. c.59, §21C (Proposition 2 ½).

ARTICLE 9

SELECT BOARD'S SUPPLEMENTAL RECOMMENDATION

The Select Board's earlier report on Article 9 incorrectly indicated that they voted in favor of the Advisory Committee motion. The Select Board voted FAVORABLE ACTION on the motion offered by the petitioner.

**ROLL CALL VOTE:**

<u>Aye:</u>	<u>No:</u>
Greene	Aschkenasy
VanScoyoc	
Sandman	

ARTICLE 9

**MOTION OFFERED BY THE PETITIONER**

Voted:

To amend Section 2.1.13 of the General Bylaws, as follows (deletions in ~~strikeout~~, additions in **bold underline**):

SECTION 2.1.13 PETITION ARTICLES The Select Board shall insert in the warrant for every special town meeting all subjects the insertion of which shall be requested of them in writing by ~~ten (10)~~ **fifty (50)** or more registered voters in the Town.

ARTICLE 20

**COMMISSION FOR DIVERSITY, INCLUSION AND  
COMMUNITY RELATIONS REPORT AND RECOMMENDATION**

On May 10, 2023 the Commission voted unanimously (9-0-0) in favor of Warrant Article 20. Voting in favor were Jessica Chicco, Alessia Contu, Spencer Holt, Jacob Jaffe, Ihssane Leckey, Bishnu Tamang, Carlos Tamayo, Kea van der Ziel, Chi Chi Wu.

In the wake of the US Supreme Court decision in Dobbs v Jackson Health Organization, it has become necessary to protect the right to reproductive and gender-affirming care. This proposed new by-law seeks to add Brookline to the list of communities in Massachusetts which have voted to put themselves in alignment with State legislation regarding providing a “safe haven” for those who seek reproductive health care and/or gender-affirming care, and for those who are providing these services, including consequences for violating this proposed by-law. The Commission is fully supportive of these goals.

ARTICLE 22

**AMENDMENT OFFERED BY SELECT BOARD MEMBER  
MICHAEL SANDMAN AND C. SCOTT ANANIAN, TMM10**

Additions in blue underline, deletions in ~~red-strikethrough~~. Changed text is in section 1(b).

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.

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**Article explanation**

Although a majority of the Ranked Choice Voting Study Committee felt that the election of Town Meeting Members would benefit from Ranked Choice Voting, the committee also felt that Town Meeting ought to have the opportunity to weigh in on the mechanism of their own election. Therefore this amendment is moved by Mike Sandman on behalf of the committee to ensure that Town Meeting has the opportunity to separately vote on the application of Ranked Choice Voting to the election of Town Meeting Members.

The explanation accompanying warrant article 22 as well as the final report of the Ranked Choices Voting Study Committee contain a fuller description of the considerations involved in Town Meeting Member elections.

ARTICLE 22

**MOTION OFFERED BY THE PETITIONERS**  
*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”**

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"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.

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(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.

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- 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.

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Redlined against article as filed. Additions in blue underline, subtractions in ~~red strikethrough~~.

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 ~~RELATIVE TO~~ RANKED CHOICE VOTING IN THE TOWN OF BROOKLINE”**

#### SECTION 1. RANKED CHOICE VOTING

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

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

"Concluded ballot," a ballot that does not rank any continuing candidate or contains



an overvote at the highest-ranked continuing candidate, or contains 2 or more sequential skipped rankings before its highest-ranked continuing candidate.

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

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

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

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

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

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

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

"Ranking" means the number assigned on a ballot by a voter to a candidate to express the voter's 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), ~~it~~ 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.  
~~Plurality voting should be used when ranked choice voting cannot be conducted.~~

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

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

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- (2) If at least 1 continuing candidate has more votes than the election threshold, then all such candidates shall be elected. If the number of elected candidates is equal to the number of seats to be filled, then tabulation shall be complete. Otherwise, each ballot counting for an elected candidate shall be assigned a new transfer value by multiplying the ballot's current transfer value by the surplus fraction for the candidate. Each elected candidate shall be deemed to have a number of votes equal to the election threshold in all future rounds, and a new round shall begin.
- ~~(2)~~ 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 ~~t~~The Town Clerk, subject to approval by the Board of Registrars, will establish a method of tiebreaking that will be used if 2 or more last-place candidates are tied and batch elimination does not apply. The results of any such tiebreaking events must be recorded and reused in the event of a recount. The method for tiebreaking may be amended from time to time, but shall not be amended during the course of an election, including any and all recounts.

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

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

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

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

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

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

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

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.