

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”

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.

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

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

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SECTION 1. RANKED CHOICE VOTING

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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.

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~~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:

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(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.

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(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.

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(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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- 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.

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~~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.