SENATE . . . . No. 413

The Commonwealth of Massachusetts

PRESENTED BY:

Lydia Edwards

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act requiring rank choice voting for Senate special elections.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Lydia Edwards	*Third Suffolk*

SENATE . . . . No. 413

By Ms. Edwards, a petition (accompanied by bill, Senate, No. 413) of Lydia Edwards for legislation to require rank choice voting for Senate special elections. Election Laws.

The Commonwealth of Massachusetts

_____

In the One Hundred and Ninety-Third General Court
(2023-2024)

_____

An Act requiring rank choice voting for Senate special elections.

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

1   SECTION 1. Chapter 54 of the General Laws is hereby amended by inserting after

2   section 141 the following section:-

3   Section 141A. (a) Upon a vacancy, by unforeseen reasons, in the office of senator in the

4   general court, resulting from a senator's resignation, removal, appointment to a federal or state

5   office, death or permanent incapacitation, the senate president shall issue precepts to the

6   legislative bodies for the municipalities comprising the senator's district, appointing such time as

7   the senate may order for a special election to fill the vacancy; provided, that the senate president

8   shall issue notice of the date of the special election within 5 days after the vacancy occurs; and

9   provided further, that for purposes of this section, the term "special election" shall mean an

10   election scheduled outside of the usual election cycle to fill a senate office that has become

11   vacant before the incumbent has finished the term. This excludes vacancies that occur in

12   accordance with Senate Rule 5C. A senator elected to fill a vacancy under this section shall hold

13   the office for the remainder of the unexpired term.

14   (b) All special elections under this section in which there are not less than 2 persons

15   seeking to fill a vacancy shall use ranked choice voting for determining the person receiving the

16   highest number of votes; provided, that for purposes of this section, the term "ranked choice

17   voting" shall mean the method of voting providing voters the ability to rank candidates in order

18   of preference by indicating a first, second and later choice.

19   (c) Pursuant to ranked choice voting under this section, tabulation of votes must proceed

20   in rounds. In each round, the number of active preferences for each candidate that has not been

21   defeated must be counted. Each ballot, which ranks a candidate that has not been defeated, does

22   not contain votes ranking more than 1 candidate at the highest ranking and does not contain not

23   less than 2 sequential blank rankings before the highest ranking, counts as 1 active preference for

24   its highest-ranked candidate for that round; provided, however, that ballots that do not rank any

25   candidate that has not been defeated, rank more than 1 candidate at the highest ranking or

26   contain not less than 2 sequential blank rankings before the highest ranking will not be counted.

27   The candidate that receives a majority of the votes shall be declared elected; provided,

28   however, that if no candidate receives a majority of the votes, and there are more than 2

29   candidates that have not been defeated, the last-place candidate, or candidates, is defeated and a

30   new round begins, reallocating all original votes for the eliminated candidate, or candidates, in

31   the prior round to the candidate that was identified as the highest-ranked preference of the

32   candidates remaining; provided further, that this process will continue until 1 candidate receives

33   a majority of votes and is declared elected.

34   (d) If not less than 2 candidates are tied for last place, the last-place candidate who was

35   credited with the fewest active preferences in the prior round shall be declared defeated. If not

36   less than 2 candidates that are tied for last place were also tied in the prior round, the last-place

37   candidate who was credited with the fewest active preferences in the second-prior round. This

38   principle shall be applied successively as many times as may be necessary, a tie shown in any

39   prior round being decided by referring to the standing of the tied candidates in the round

40   immediately preceding the round in which the tie exists. Any tie not otherwise provided for shall

41   be decided by lot.

42   (e) Where a vacancy in the office of senator in the general court under this section results

43   without valid justification as determined by the Senate President and could have been avoided

44   until the end of their term, the person vacating said office shall contribute to the funding of the

45   special election to fill said vacancy; provided, however, that a person will not be obligated to

46   contribute to the funding of a special election under this subsection based on extenuating

47   circumstances, such as declining health or family obligations, as determined on a case-by-case

48   basis.