

James B. Nash, City Council President
Mayor Gina-Louise Sciarra
City Hall
Northampton, MA

DRAFT

February xx, 2022

RE: An Act Relative to Ranked Choice Voting in the City of Northampton

Dear President Nash and Mayor Sciarra;

The City Council created the Ranked Choice Voting Committee (the Committee) May 10, 2021 and directed it to recommend how Northampton can best implement ranked choice voting (RCV) in our municipal elections. The committee first met July 26, 2021 and has held a total of twelve meetings to date. We are pleased to submit for your consideration, a draft of an Act which amends our Charter in order that RCV may be used. Once approved by the Council and the Mayor, the Act must be submitted to the Commonwealth's Legislature and the Elections Division for their consideration and action.

In our deliberations, the Committee attempted to craft an Act that would receive the requisite approval of the Legislature and the Elections Division. We started our work with a draft that was modeled after the recent state-wide referendum in 2020. While the referendum failed statewide, it passed with over 68% approval in Northampton. Our thinking was, if we started from a place where our Act was modeled upon that which had already been approved by the State as a ballot question, then our chances of ultimately receiving approval was more likely. We note that Amherst's home rule petition implementing RCV has not yet received approval from the state. We hope to avoid similar delay. Throughout our deliberations, the assistance of Greg Dennis and Andy Anderson of Voter Choice MA has been appreciated.

As the Committee created the draft Act which we now present for your approval, the primary elements contained therein were evaluated according to five criteria:

1. Does it comply with all applicable legal requirements and can it meet Massachusetts certification requirements?
2. Is it adequate to reflect the electorate's preferences?
3. Can it be clearly and succinctly explained to the electorate?
4. Would it enjoy the electorate's confidence in outcomes?
5. Is the City Clerk comfortable with our recommendations?

The first four criteria were developed by the Amherst RCV Commission and we have benefited from their efforts.

In doing its work, the Committee deliberated on seven essential RCV topics. A summary of each follows.

1. *What tabulation method should be used?* After much discussion, the Committee decided to utilize the Weighted Inclusive Gregory Method (WIGM). We appreciate the help from Jeff Silvestro of Dominion Software, who prepared for our analysis the outcomes of a 200-ballot sample election that was tabulated using the several most

- common methods. Upon evaluating the election outcomes produced by the various methods, in the Committee's opinion, WIGM best meets the evaluation criteria, above.
2. *When should a ballot be considered concluded?* A ballot is "concluded", i.e., no longer being tabulated, when it contains any of the following: no "continuing candidate", that is no candidate who may yet be elected during succeeding rounds of tabulation; or an "overvote at the "highest-ranked continuing candidate", that is for example, two votes in the number two rank after the number one rank has been tabulated. The Committee's intent is to minimize the occurrence of concluded ballots, in order that the expression of the voters might be reflected in the tabulation to the greatest extent possible. Accordingly, our draft does not conclude ballots in the case of skipped rankings, i.e., a voter chooses a #1 candidate, but not a number two, and then chooses a candidate in the number three rank. Dominion software has the ability to automatically elevate the number three selection into the number two rank. The Committee chose to utilize this feature.
 3. *When must ranked choice voting be used in Northampton municipal elections?* The draft calls for all offices to be eligible for RCV, in part for consistency, but also because anything short of all offices would mean that Northampton would still hold preliminary elections. The Committee feels that another important aspect of having all offices elected by RCV is that a single, uniform ballot would be used.
 4. *When should tabulation be complete?* For multi-seat elections, tabulation is complete when the requisite number of candidates have received enough votes to exceed the threshold. For single seat elections, candidates are continually eliminated until the field is reduced to two candidates.
 5. *How should ties for the fewest votes be resolved?* In all RCV elections in the US to date, there has never been a tie for fewest votes where batch elimination did not apply. Still, such an event could in theory happen in the future. The legislation in many jurisdictions calls to resolve such ties randomly, but random tie-breakers (e.g. "coin-flips") are not allowed under Massachusetts law. The draft Act prescribes the most common non-random method, often called "backwards tie-breaking," where ties are broken in favor of which candidate had more votes in the prior round; and if they are tied in the prior round, the round before that, and so on.
 6. *Who has the authority to make changes to the ranked choice voting ballot and tabulation process?* The Committee believes this authority resides with the Council, but recognizes that the City Clerk has essential input in this regard as she is required to file the warrant which includes the ballot to be used.
 7. *Should a local approval provision be included in the Act?* Our Act could directly include a provision that the Act be approved by Northampton voters on a ballot. If such a provision is not included, our understanding is that the Legislature might add one anyway, as they do like to see evidence of voter support for any change to elections. One might argue that with the strong show of support for RCV in the November 2020 referendum, another vote is redundant. The Committee believes that it is proper to ask our voters to endorse the specific language that is included in our Act. Also, as mentioned above we feel that the likelihood of acceptance by the Elections Division and the Legislature is enhanced by requiring a local vote. Finally,

and perhaps most important, such a ballot question put to our voters provides an excellent opportunity to roll out our education initiative.

The Ranked Choice Voting Committee thanks the Council for the opportunity to work on this important matter. We also appreciate the earnest participation and expertise of City Clerk Pam Powers and City Solicitor Alan Seewald. We urge you to consider expeditiously the draft Act we have presented. The ideal outcome for the ultimate implementation of RCV in Northampton involves the approval by the Legislature early enough in 2022 that the Clerk might be able to include the referendum in the upcoming state election in November. Should such a desirable scenario present itself, the City would then need to give considerable thought and effort to the matter of educating its voters. It cannot be overstated that an effective, comprehensive education campaign has been seen to be vital to the smooth implementation and acceptance of RCV in every jurisdiction attempting to use it.

For the Committee:

Robert B. Boulrice, Chair

Catherine M. Kay, Vice Chair