

To accompany the petition of Jeremiah A. Desmond for certain changes in the charter of the city of Boston. Metropolitan Affairs.

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**The Commonwealth of Massachusetts.**

In the Year One Thousand Nine Hundred and Twenty-Two.

**AN ACT**

To amend the Charter of the City of Boston.

*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. Sections forty-eight and fifty-  
2 seven of chapter four hundred and eighty-six,  
3 acts of nineteen hundred and nine are hereby  
4 repealed.

1 SECTION 2. There shall be elected at large  
2 in the city of Boston a city council consisting of  
3 nine members, who shall hold office for three  
4 years. The said terms shall begin with the  
5 first Monday of February following the election.

1 SECTION 3. Ballots used in electing members  
2 of the city council shall be marked by the voters  
3 according to the instructions printed thereon  
4 under the heading, "Directions to Voters", as  
5 specified in this section, except that the names  
6 of the candidates shall appear in the spaces  
7 indicated therefor and that the spaces left for

8 the date of the election shall be filled with such  
9 number and date, the ballots shall be in form  
10 substantially as follows: —

11                                   REGULAR CITY ELECTION

12                                   DECEMBER . . . . . 19 . . . .

13                                   *Directions to Voters*

14     Put the figure one opposite the name of your  
15 first choice. If you want to express also second,  
16 third and other choices, do so by putting the  
17 figure two opposite the name of your second  
18 choice, the figure three opposite the name of  
19 your third choice, and so on. In this way you  
20 may express as many choices as you please.  
21 The more choices you express, the surer you are  
22 to make your ballot count for one of the candi-  
23 dates you favor.

24     This ballot will not be counted for your second  
25 choice, unless it is found that it cannot help  
26 your first choice; it will not be counted for your  
27 third choice unless it is found that it cannot  
28 help either your first or your second, etc.

29     A ballot is spoiled if the figure one is put  
30 opposite more than one name. If you spoil this  
31 ballot, tear it across once, return it to the elec-  
32 tion officer in charge of the ballots, and get  
33 another one from him.

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1 SECTION 4. The name of each person who is  
2 nominated in compliance with law, together  
3 with his residence and the title and term of the  
4 office for which he is a candidate shall be printed  
5 on the official ballots at the municipal election,  
6 and the names of no other candidates shall be  
7 printed thereon. The names of candidates for  
8 the same office shall be printed on the official  
9 ballots in rotation as follows:—The ballots shall  
10 be printed in as many series as there are candi-  
11 dates for the council. The whole number of  
12 ballots to be printed shall be divided by the  
13 number of series and the quotient so obtained  
14 shall be the number of ballots printed in each  
15 series. In printing the first series of ballots the  
16 names of candidates shall be arranged in the  
17 alphabetical order of their surnames. After  
18 printing the first series the first name shall be  
19 placed last and the next series printed, and this  
20 process shall be repeated until each name shall  
21 have been printed first in one series. The ballots  
22 so printed shall be combined in tablets to be  
23 supplied to the various voting places. Each  
24 tablet shall contain substantially the same  
25 number of ballots from each series, and, so far  
26 as practicable, the ballots shall be combined  
27 in such manner that two or more from the same  
28 series shall not be together in a tablet.

1 SECTION 5. Ballots cast in the election of  
2 members of the council shall be counted and the  
3 results determined by the board of election com-

4 missioners according to the following rules:—

5 (a) On all ballots a cross shall be considered  
6 equivalent to the figure one. So far as may  
6 be consistent with the general election laws,  
8 every ballot from which the first choice of the  
9 voter can be clearly ascertained shall be con-  
10 sidered valid.

11 (b) The ballots shall first be sorted and  
12 counted at the several voting precincts accord-  
13 ing to the first choices of the voters. At each  
14 voting precinct the ballots cast for each candi-  
15 date as first choice shall be put up in a separate  
16 package, which shall be properly marked on the  
17 outside to show the number of ballots therein  
18 and the name of the candidate for whom they  
19 were cast. The ballots declared invalid by the  
20 precinct officials shall also be put up in a sep-  
21 arate package, properly marked on the outside.  
22 All the packages of each precinct, together with  
23 a record of the precinct count, shall be promptly  
24 forwarded to the board of election commis-  
25 sioners as directed by them, and the counting  
26 of the ballots cast shall thereafter be carried  
27 on by the board of election commissioners.

28 (c) After the review of the precinct count  
29 by the board of election commissioners and the  
30 correction of any errors discovered therein, the  
31 first choice votes of each candidate shall be  
32 added and tabulated. This completes the first  
33 count.

34 (d) The whole number of valid ballots cast  
35 shall then be divided by ten. The next whole

36 number larger than the resulting quotient is  
37 the quota or constituency that suffices to elect a  
38 member.

39 (e) All candidates, the number of whose votes  
40 on the first count equals or exceeds the quota,  
41 shall then be declared elected.

42 (f) All votes obtained by any candidate in  
43 excess of the quota shall be termed his surplus.

44 (g) Any surpluses there may be, shall next be  
45 transferred, the largest surplus first, then the  
46 next largest, and so on, according to the follow-  
47 ing rules: —

48 (h) In the transfers of a surplus, transferable  
49 ballots up to the number of votes in the surplus  
50 shall be transferred to the continuing candidates  
51 marked on them as next choices, in accordance  
52 with rule (m). The particular ballots to be  
53 taken for transfer as the surplus of a candidate  
54 shall be obtained by taking as nearly an equal  
55 number of ballots as possible from the trans-  
56 ferable ballots that have been cast for him in  
57 each of the voting precincts. All such surplus  
58 ballots shall be taken as they happen to come  
59 without selection.

60 (i) "Transferable ballots" means ballots from  
61 which the next choice of the voter for some con-  
62 tinuing candidate can be clearly ascertained.  
63 A "continuing candidate" is a candidate as yet  
64 neither elected nor defeated

65 (j) Whenever a ballot is transferred from one  
66 candidate to another, it shall be tallied or other-  
67 wise recorded by a tally clerk assigned to the

68 candidate to whom it is being transferred. Each  
69 tally clerk shall take care not to receive for his  
70 candidate by transfer more ballots than are  
71 required to complete the quota.

72 (k) The votes standing to the credit of each  
73 candidate shall be added and a tabulation of  
74 results made whenever a comparison of the votes  
75 of the several candidates is necessary to deter-  
76 mine the next step in the procedure. Each tabu-  
77 lation, together with the transfers of ballots  
78 made since the preceding tabulation, is referred  
79 to in this section as a "count".

80 (l) After the transfer of all surpluses (or after  
81 the first count if no candidate received a sur-  
82 plus) every candidate who has no votes to his  
83 credit shall be declared defeated. Thereupon  
84 the candidate lowest on the poll as it then  
85 stands shall be declared defeated and all his  
86 transferable ballots transferred to continuing  
87 candidates, each ballot being transferred to the  
88 credit of that continuing candidate next pre-  
89 ferred by the voter in accordance with rule (m).  
90 Thereupon the candidate then lowest shall be  
91 declared defeated and all his transferable ballots  
92 transferred in the same way. Thus the lowest  
93 candidates shall be declared defeated one after  
94 another and their transferable ballots trans-  
95 ferred to continuing candidates.

96 (m) Whenever in the transfer of a surplus or  
97 of the ballots of a defeated candidate the vote  
98 of any candidate becomes equal to the quota,  
99 he shall immediately be declared elected and no  
100 further transfer to him shall be made.

101 (n) When candidates to the number of seats  
102 to be filled have received a quota and have there-  
103 fore been declared elected, all other candidates  
104 shall be declared defeated and the election shall  
105 be at an end; or when the number of continuing  
106 candidates is reduced to the number of seats  
107 still to be filled, those candidates shall be de-  
108 clared elected whether they have received the  
109 full quota or not and the election shall be at an  
110 end.

111 (o) If when a candidate is to be declared de-  
112 feated, two or more candidates at the bottom of  
113 the poll have the same number of votes, that  
114 one of the tied candidates shall first be declared  
115 defeated who was credited with the fewest votes  
116 at the end of the count next preceding, and any  
117 further tie shall be decided on the same prin-  
118 ciple. Any tie not otherwise provided for in this  
119 section shall be decided by lot.

120 (p) In the transfer of the ballots of any candi-  
121 date who has received ballots by transfer, those  
122 ballots shall be transferred first which he re-  
123 ceived by the count next preceding, and the rest  
124 shall be transferred in the reverse order of the  
125 counts by which he received them.

126 (q) On each tabulation a record shall be kept,  
127 under the designation "ineffective ballots," of  
128 those ballots which no longer stand to the credit  
129 of any elected or continuing candidate and  
130 which are not transferable.

131 (r) Every ballot which is transferred from one  
132 candidate to another shall be stamped or marked  
133 so that its entire course from candidate to candi-

134 date throughout the counting can be con-  
135 veniently traced.

136 (s) The ballots shall be preserved by the elec-  
137 tion authorities until the end of the term for  
138 which the members of the council are being  
139 elected.

140 (t) Any recount of the ballots shall be made  
141 by the board of election commissioners in ac-  
142 cordance with this section, except that the ref-  
143 erence to voting precincts may be disregarded.  
144 In any recount every ballot shall be made to  
145 take the same course that it took in the original  
146 counting, unless there is discovered a mistake  
147 that required its taking a different course. In  
148 such case any required changes shall be made  
149 in the course taken by the ballot. These prin-  
150 ciples shall apply also to the correction of any  
151 error that may be discovered during the original  
152 counting.

1 SECTION 6. This act shall be submitted to  
2 the voters of the city of Boston at the election  
3 to be held on November seventh, nineteen hun-  
4 dred and twenty-two and if approved by a  
4 majority of those voting at that election, its  
6 shall become effective at once.