

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND SEVENTEEN

H.P. 1137 - L.D. 1646

An Act To Implement Ranked-choice Voting in 2021

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 21-A MRSA §1, sub-§27-C, as enacted by IB 2015, c. 3, §1, is repealed and the following enacted in its place:

27-C. Elections determined by ranked-choice voting. "Elections determined by ranked-choice voting" means:

- A. Primary elections for the offices of United States Senator, United States Representative to Congress, Governor, State Senator and State Representative;
- B. General and special elections for the offices of United States Senator and United States Representative to Congress; and
- C. General and special elections for the offices of Governor, State Senator and State Representative.

This subsection is repealed December 1, 2021 unless, prior to that date, the voters of the State ratify an amendment to the Constitution of Maine, Article IV, Part First, Section 5, Article IV, Part Second, Sections 4 and 5 and Article V, Part First, Section 3 authorizing the Legislature, by proper enactment, to determine the method by which the Governor and members of the State Senate and House of Representatives are elected.

Sec. 2. 21-A MRSA §1, sub-§35-A, as enacted by IB 2015, c. 3, §2, is amended to read:

35-A. Ranked-choice voting. "Ranked-choice voting" means the method of casting and tabulating votes in which voters rank candidates in order of preference, tabulation proceeds in sequential rounds in which last-place candidates are defeated and the candidate with the most votes in the final round is elected.

This subsection is repealed December 1, 2021 unless, prior to that date, the voters of the State ratify an amendment to the Constitution of Maine, Article IV, Part First, Section 5, Article IV, Part Second, Sections 4 and 5 and Article V, Part First, Section 3 authorizing

the Legislature, by proper enactment, to determine the method by which the Governor and members of the State Senate and House of Representatives are elected.

Sec. 3. 21-A MRSA §601, sub-§2, ¶J, as enacted by IB 2015, c. 3, §3, is amended to read:

J. For ~~offices elected~~ elections determined by ranked-choice voting, the ballot must be simple and easy to understand and allow a voter to rank candidates for an office in order of preference. A voter may include no more than one write-in candidate among that voter's ranked choices for each office.

This paragraph is repealed December 1, 2021 unless, prior to that date, the voters of the State ratify an amendment to the Constitution of Maine, Article IV, Part First, Section 5, Article IV, Part Second, Sections 4 and 5 and Article V, Part First, Section 3 authorizing the Legislature, by proper enactment, to determine the method by which the Governor and members of the State Senate and House of Representatives are elected.

Sec. 4. 21-A MRSA §695, first ¶, as amended by PL 2001, c. 516, §10, is further amended to read:

Except for elections determined by ranked-choice voting, the following provisions apply to the counting of ballots. The election clerks shall count the ballots under the supervision of the warden as soon as the polls are closed, except that if, in the opinion of the municipal clerk the public interests will best be served, referendum ballots may be counted on the day immediately following the election, as long as the count is completed within 24 hours after the polls are closed. If referendum ballots are counted under this exception, the municipal clerk is responsible for the security and safekeeping of the ballots until the count has been completed.

Sec. 5. 21-A MRSA §722, sub-§1, as amended by PL 2017, c. 141, §2, is further amended to read:

1. How tabulated. The Secretary of State shall tabulate all votes that appear by an election return to have been cast for each question or candidate whose name appeared on the ballot. For ~~offices elected~~ elections determined by ranked-choice voting, the Secretary of State shall tabulate the votes according to the ranked-choice voting method described in section 723-A. The Secretary of State shall tabulate the votes that appear by an election return to have been cast for a declared write-in candidate based on a recount requested and conducted pursuant to section 737-A, subsection 2-A.

Sec. 6. 21-A MRSA §723, sub-§1, as amended by PL 2017, c. 248, §5, is further amended to read:

1. Primary election. In a primary election held before December 1, 2021, the person who receives a plurality of the votes cast for nomination to any office, as long as there is at least one vote cast for that office, is nominated for that office, except for write-in candidates under paragraph A. In a primary election held on or after December 1, 2021, the person who is determined the winner pursuant to section 723-A for nomination

to any office, as long as there is at least one vote cast for that office, is nominated for that office, except for write-in candidates under paragraph A.

A. A write-in candidate who complies with section 722-A and who fulfills the other qualifications under section 334 may be nominated at the primary election if that person receives a number of valid write-in votes equal to at least twice the minimum number of signatures required under section 335, subsection 5 on a primary petition for a candidate for that office.

B. The Secretary of State shall immediately certify by mail the nomination of each person nominated by the primary election.

Sec. 7. 21-A MRSA §723, sub-§2, as amended by PL 2017, c. 248, §6, is further amended to read:

2. Other elections. In any other election except for those determined by ranked-choice voting, the person who receives a plurality of the votes cast for election to any office, as long as there is at least one vote cast for that office, is elected to that office, except that a write-in candidate must also comply with section 722-A.

Sec. 8. 21-A MRSA §723-A, sub-§2, as enacted by IB 2015, c. 3, §5, is amended to read:

2. Procedures. Except as provided in subsections 3 and 4, the following procedures are used to determine the winner ~~in of~~ an election ~~for an office elected~~ determined by ranked-choice voting. Tabulation must proceed in rounds. In each round, the number of votes for each continuing candidate must be counted. Each continuing ballot counts as one vote for its highest-ranked continuing candidate for that round. Exhausted ballots are not counted for any continuing candidate. The round then ends with one of the following 2 potential outcomes.

A. If there are 2 or fewer continuing candidates, the candidate with the most votes is declared the winner of the election.

B. If there are more than 2 continuing candidates, the last-place candidate is defeated and a new round begins.

Sec. 9. 21-A MRSA §723-A, sub-§5, as enacted by IB 2015, c. 3, §5, is amended to read:

5. Effect on rights of political parties. For all statutory and constitutional provisions in the State pertaining to the rights of political parties, the number of votes cast for a party's candidate for an office ~~elected~~ determined by ranked-choice voting is the number of votes credited to that candidate after the initial counting in the first round described in subsection 2.

Sec. 10. 21-A MRSA §723-A, sub-§5-A is enacted to read:

5-A. Rules. The Secretary of State shall adopt rules for the proper and efficient administration of elections determined by ranked-choice voting. At a minimum, rules required under this subsection must include procedures, as determined appropriate by the

Secretary of State, for requesting and conducting recounts of the results as determined in the rounds of tabulation described in subsection 2. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Sec. 11. 21-A MRSA §723-A, sub-§6, as enacted by IB 2015, c. 3, §5, is amended to read:

6. Application. This section applies to elections held on or after ~~January 1, 2018~~ December 1, 2021.

Sec. 12. 21-A MRSA §723-A, sub-§7 is enacted to read:

7. Contingent repeal. This section is repealed December 1, 2021 unless, prior to that date, the voters of the State ratify an amendment to the Constitution of Maine, Article IV, Part First, Section 5, Article IV, Part Second, Sections 4 and 5 and Article V, Part First, Section 3 authorizing the Legislature, by proper enactment, to determine the method by which the Governor and members of the State Senate and House of Representatives are elected.

Sec. 13. Secretary of State to report. The Secretary of State shall conduct an evaluation of implementation of ranked-choice voting for primary elections for the offices of United States Senator, United States Representative to Congress, Governor, State Senator and State Representative and general and special elections for the offices of United States Senator and United States Representative to Congress, including, but not limited to, identification of statutory conflicts between Initiated Bill 2015, chapter 3 as amended by this Act and relevant provisions of the Maine Revised Statutes. The evaluation must include an estimate of the costs associated with the implementation of ranked-choice voting. No later than January 2, 2019, the Secretary of State shall submit a report to the joint standing committee of the Legislature having jurisdiction over election matters, including recommended legislation, for the administration of ranked-choice voting for the elections as described in this section. The joint standing committee of the Legislature having jurisdiction over election matters is authorized to submit legislation based on the report described in this section to the First Regular Session of the 129th Legislature.

Sec. 14. Contingent legislation. If the Maine Revised Statutes, Title 21-A, section 723-A is repealed pursuant to Title 21-A, section 723-A, subsection 7, the joint standing committee of the Legislature having jurisdiction over election matters shall submit a bill to the Second Regular Session of the 130th Legislature to reflect the repeal of ranked-choice voting provisions found in the Maine Revised Statutes.