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VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE
SENATE
128TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " " to S.P. 577, L.D. 1624, "RESOLUTION, Proposing an Amendment to the Constitution of Maine To Implement Ranked-choice Voting"

Amend the resolution by striking out the title and substituting the following:

'An Act To Implement Ranked-choice Voting for All State Primary Elections and for General Elections for the Offices of United States Senator and United States Representative to Congress'

Amend the resolution by striking out everything after the title and before the summary and inserting the following:

'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Sec. 1. 21-A MRSA §1, sub-§27-C, as enacted by IB 2015, c. 3, §1, is repealed and the following enacted in its place: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 paragraph takes effect only if 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 that authorizes 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 is ratified.

COMMITTEE AMENDMENT

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

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

7 **Sec. 3. 21-A MRSA §695, first ¶**, as amended by PL 2001, c. 516, §10, is further
8 amended to read:

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

17 **Sec. 4. 21-A MRSA §722, sub-§1**, as amended by PL 2017, c. 141, §2, is further
18 amended to read:

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

26 **Sec. 5. 21-A MRSA §723, sub-§1**, as amended by PL 2009, c. 253, §38, is
27 further amended to read:

28 **1. Primary election.** In a primary election, the person who ~~receives a plurality of~~
29 ~~the votes cast is determined the winner pursuant to section 723-A~~ for nomination to any
30 office, as long as there is at least one vote cast for that office, is nominated for that office,
31 except for write-in candidates under paragraph A.

32 A. A write-in candidate who complies with either section 722-A or section 737-A,
33 subsection 2-A and who fulfills the other qualifications under section 334, may be
34 nominated at the primary election if that person receives a number of valid write-in
35 votes equal to at least twice the minimum number of signatures required under
36 section 335, subsection 5, on a primary petition for a candidate for that office.

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

39 **Sec. 6. 21-A MRSA §723, sub-§2**, as amended by PL 2009, c. 253, §39, is
40 further amended to read:

41 **2. Other elections.** In any other election except for those determined by ranked-
42 choice voting, the person who receives a plurality of the votes cast for election to any

1 office, as long as there is at least one vote cast for that office, is elected to that office,
2 except that a write-in candidate must also comply with either section 722-A or section
3 737-A, subsection 2-A.

4 **Sec. 7. 21-A MRSA §723-A, sub-§2**, as enacted by IB 2015, c. 3, §5, is amended
5 to read:

6 **2. Procedures.** Except as provided in subsections 3 and 4, the following procedures
7 are used to determine the winner ~~in~~ of an election ~~for an office elected~~ determined by
8 ranked-choice voting. Tabulation must proceed in rounds. In each round, the number of
9 votes for each continuing candidate must be counted. Each continuing ballot counts as
10 one vote for its highest-ranked continuing candidate for that round. Exhausted ballots are
11 not counted for any continuing candidate. The round then ends with one of the following
12 2 potential outcomes.

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

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

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

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

24 **Sec. 9. 21-A MRSA §723-A, sub-§5-A** is enacted to read:

25 **5-A. Rules.** The Secretary of State shall adopt rules for the proper and efficient
26 administration of elections determined by ranked-choice voting. At a minimum, rules
27 required under this subsection must include procedures, as determined appropriate by the
28 Secretary of State, for requesting and conducting recounts of the results as determined in
29 the rounds of tabulation described in subsection 2. Rules adopted pursuant to this
30 subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

31 **Sec. 10. Appropriations and allocations.** The following appropriations and
32 allocations are made.

33 **PUBLIC SAFETY, DEPARTMENT OF**

34 **State Police 0291**

35 Initiative: Provides funding to implement ranked-choice voting for primary elections and
36 general and special elections for the offices of United States Senator and United States
37 Representative to Congress.

1	GENERAL FUND	2017-18	2018-19
2	Personal Services	\$63,904	\$63,904
3	All Other	\$32,864	\$32,864
4			
5	GENERAL FUND TOTAL	<u>\$96,768</u>	<u>\$96,768</u>
6	HIGHWAY FUND	2017-18	2018-19
7	Personal Services	\$34,410	\$34,410
8	All Other	\$17,696	\$17,696
9			
10	HIGHWAY FUND TOTAL	<u>\$52,106</u>	<u>\$52,106</u>
11	PUBLIC SAFETY, DEPARTMENT OF		
12	DEPARTMENT TOTALS	2017-18	2018-19
13			
14	GENERAL FUND	\$96,768	\$96,768
15	HIGHWAY FUND	\$52,106	\$52,106
16			
17	DEPARTMENT TOTAL - ALL FUNDS	<u>\$148,874</u>	<u>\$148,874</u>
18	SECRETARY OF STATE, DEPARTMENT OF		
19	Bureau of Administrative Services and Corporations 0692		
20	Initiative: Provides funding to implement ranked-choice voting for primary elections and		
21	general and special elections for the offices of United States Senator and United States		
22	Representative to Congress.		
23	GENERAL FUND	2017-18	2018-19
24	All Other	\$684,790	\$542,440
25			
26	GENERAL FUND TOTAL	<u>\$684,790</u>	<u>\$542,440</u>
27	SECRETARY OF STATE, DEPARTMENT OF		
28	DEPARTMENT TOTALS	2017-18	2018-19
29			
30	GENERAL FUND	\$684,790	\$542,440
31			
32	DEPARTMENT TOTAL - ALL FUNDS	<u>\$684,790</u>	<u>\$542,440</u>

1	SECTION TOTALS	2017-18	2018-19
2			
3	GENERAL FUND	\$781,558	\$639,208
4	HIGHWAY FUND	\$52,106	\$52,106
5			
6	SECTION TOTAL - ALL FUNDS	\$833,664	\$691,314
7			

8 **SUMMARY**

9 This amendment, which replaces the constitutional resolution, is one of 2 reports of
10 the committee. This amendment does not affect the use of the ranked-choice voting
11 method for the primary nomination elections to the office of the Governor and to the
12 Legislature. The amendment requires the ratification of an amendment to the
13 Constitution of Maine that approves the use of the ranked-choice voting method for those
14 offices before that method may be used.

15 This amendment requires the Secretary of State to adopt routine technical rules for
16 the administration of ranked-choice voting, including the administration of recounts.

17 This amendment also provides funding to the Secretary of State and the Department
18 of Public Safety to implement ranked-choice voting.

19 **FISCAL NOTE REQUIRED**

20 **(See attached)**