

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 1038

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H.P. 674

House of Representatives, March 7, 2023

**An Act to Reinstate Plurality Voting by Repealing the Ranked-choice Voting Laws**

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Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

  
ROBERT B. HUNT  
Clerk

Presented by Representative POLEWARCZYK of Wiscasset.  
Cosponsored by Representatives: BRADSTREET of Vassalboro, DUCHARME of Madison,  
FOSTER of Dexter, HENDERSON of Rumford, LYMAN of Livermore Falls, POIRIER of  
Skowhegan, SAMPSON of Alfred, SMITH of Palermo.

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

2 **Sec. 1. 21-A MRSA §1, sub-§27-C**, as repealed and replaced by PL 2021, c. 273,  
3 §1, is repealed.

4 **Sec. 2. 21-A MRSA §1, sub-§35-A**, as enacted by IB 2015, c. 3, §2, is repealed.

5 **Sec. 3. 21-A MRSA §601, sub-§1**, as amended by PL 2019, c. 320, §2, is further  
6 amended to read:

7 **1. Arrangement.** The ballots must be arranged in a manner that is as consistent and  
8 uniform as possible throughout the State, ~~except that ranked-choice contests must be~~  
9 ~~grouped together and may be presented on the same page of the ballot as contests other~~  
10 ~~than ranked-choice contests or on a separate ballot or ballot page from contests other than~~  
11 ~~ranked-choice contests.~~

12 **Sec. 4. 21-A MRSA §601, sub-§2, ¶A**, as amended by PL 2019, c. 320, §3, is  
13 further amended to read:

14 A. Instructions must be printed on the ballot informing the voter how to designate the  
15 voter's choices on the ballot. Specific instructions must be presented above or next to  
16 the first contest of each type, such as ~~ranked-choice contests, contests other than~~  
17 ~~ranked-choice contests or referenda.~~

18 **Sec. 5. 21-A MRSA §601, sub-§2, ¶J**, as amended by PL 2017, c. 316, §3, is  
19 repealed.

20 **Sec. 6. 21-A MRSA §601, sub-§3**, as amended by PL 2021, c. 273, §10, is further  
21 amended to read:

22 **3. Order of offices.** The order of offices on the ballot is as follows: President, United  
23 States Senator, Governor, Representative to Congress, State Senator and Representative to  
24 the Legislature, and the county offices in the following order: judge of probate, register of  
25 probate, county treasurer, register of deeds, sheriff, district attorney and county  
26 commissioner, ~~except that the order may be modified to allow ranked-choice contests to be~~  
27 ~~printed on the opposite side of the ballot, separate from contests other than ranked-choice~~  
28 ~~contests.~~

29 **Sec. 7. 21-A MRSA §605-A, sub-§2, ¶A**, as amended by PL 2019, c. 320, §4, is  
30 further amended to read:

31 A. The voting instruction poster must include information on how to mark the ballot,  
32 including how to mark a write-in vote; how to replace the ballot if the voter makes a  
33 mistake; and how to receive assistance in marking the ballot. It may include other  
34 voting information. ~~The Secretary of State may design separate instruction posters to~~  
35 ~~instruct the voters on how to mark a ballot for elections to be determined by~~  
36 ~~ranked-choice voting and those to be determined by plurality.~~

37 **Sec. 8. 21-A MRSA §695, first ¶**, as amended by PL 2017, c. 316, §4, is further  
38 amended to read:

39 ~~Except for elections determined by ranked-choice voting, the following provisions~~  
40 ~~apply to the counting of ballots.~~ The election clerks shall count the ballots under the  
41 supervision of the warden as soon as the polls are closed, except that if, in the opinion of

1 the municipal clerk the public interests will best be served, referendum ballots may be  
2 counted on the day immediately following the election, as long as the count is completed  
3 within 24 hours after the polls are closed. If referendum ballots are counted under this  
4 exception, the municipal clerk is responsible for the security and safekeeping of the ballots  
5 until the count has been completed.

6 **Sec. 9. 21-A MRSA §696, sub-§2, ¶A**, as amended by PL 2019, c. 320, §5, is  
7 further amended to read:

8 A. ~~Except as provided in section 723-A for elections determined by ranked-choice~~  
9 ~~voting, if~~ If a voter marks more names for an office than there are vacancies to be filled  
10 or more choices for a question than are permitted, the voter's vote for that office or  
11 question may not be counted.

12 **Sec. 10. 21-A MRSA §700**, as amended by PL 2019, c. 320, §6, is further amended  
13 to read:

14 **§700. Posting unofficial results**

15 As soon as practicable after the election return is prepared under section 711, if a secure  
16 place is available at the voting place or municipal office where the public may view a paper  
17 copy of the unofficial election results even when the voting place or municipal office is  
18 closed, an election official shall post a paper copy of the unofficial results of the election.  
19 ~~For elections determined by ranked-choice voting, an election official shall post a paper~~  
20 ~~copy of the results of the first choice votes cast.~~

21 **Sec. 11. 21-A MRSA §711, first ¶**, as amended by PL 2019, c. 320, §7, is further  
22 amended to read:

23 As soon as the results of the election have been declared, the election return must be  
24 prepared. The warden at each ward or precinct shall fill out the election return form  
25 provided by the Secretary of State, showing the number of votes cast for each candidate or  
26 question and recording the total number of state ballots cast in that ward or precinct. ~~For~~  
27 ~~elections determined by ranked-choice voting, the warden shall report on the election return~~  
28 ~~only the first choice votes cast.~~ The warden and one other election official shall sign the  
29 return and immediately deliver it to the municipal clerk. The form provided by the  
30 Secretary of State must include the names of all candidates, including declared write-in  
31 candidates as determined by section 722-A.

32 **Sec. 12. 21-A MRSA §722, sub-§1**, as amended by PL 2019, c. 371, §26, is further  
33 amended to read:

34 **1. How tabulated.** The Secretary of State shall tabulate all votes that appear by an  
35 election return to have been cast for each question or candidate whose name appeared on  
36 the ballot. ~~For elections determined by ranked-choice voting, the Secretary of State shall~~  
37 ~~tabulate the votes according to the ranked-choice voting method described in section~~  
38 ~~723-A.~~ The Secretary of State shall tabulate the votes that appear by an election return to  
39 have been cast for a declared write-in candidate pursuant to section 722-A.

40 **Sec. 13. 21-A MRSA §723, sub-§1**, as amended by PL 2019, c. 320, §8, is further  
41 amended to read:

42 **1. Primary election.** In a primary election, the person who receives a plurality of the  
43 votes cast for nomination to any office, as long as there is at least one vote cast for that

1 office, is nominated for that office, except for write-in candidates under paragraph A and  
2 elections determined by ranked-choice voting under section 723-A.

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

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

10 **Sec. 14. 21-A MRSA §723, sub-§2**, as amended by PL 2017, c. 316, §7, is further  
11 amended to read:

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

16 **Sec. 15. 21-A MRSA §723-A**, as amended by PL 2021, c. 750, §11 and affected by  
17 §14, is repealed.

18 **Sec. 16. 21-A MRSA §737-A, 3rd ¶**, as amended by PL 2019, c. 320, §16, is  
19 further amended to read:

20 A candidate who is the apparent loser and who desires a recount must file with the  
21 Secretary of State a written request for a recount within 5 business days after the election,  
22 ~~except that in an election determined by ranked-choice voting, only a candidate who~~  
23 ~~received one of the top 3 rankings at the end of the penultimate round of ranked-choice~~  
24 ~~counting may request a recount.~~ The recount is held under the supervision of the Secretary  
25 of State, who shall allow the candidate's representatives or counsel to recount the ballots.  
26 The candidate may not act as a counter of ballots.

27 **Sec. 17. 21-A MRSA §801, sub-§2**, as enacted by PL 2019, c. 539, §4, is repealed.

28 **Sec. 18. 21-A MRSA §803**, as amended by PL 2021, c. 273, §29, is further amended  
29 to read:

30 **§803. Duties of Governor**

31 As soon as possible after the presidential electors are chosen, the Governor shall send  
32 a certificate of the determination of the electors to the Archivist of the United States under  
33 the state seal. The certificate must state the names of the electors and the number of votes  
34 each candidate for President received statewide and for each congressional district ~~in the~~  
35 ~~final round of tabulation under section 723-A.~~ The Governor shall deliver 6 certificates  
36 under the state seal to the electors on or before the first Monday after the 2nd Wednesday  
37 of December, following their election.

38 **Sec. 19. 21-A MRSA §805, sub-§2**, as amended by PL 2019, c. 539, §5, is further  
39 amended to read:

40 **2. Presidential electors.** The presidential electors at large shall cast their ballots for  
41 the presidential and vice-presidential candidates who received the largest number of votes  
42 in the State according to the ranked-choice method of counting votes described in section

1 ~~723-A.~~ The presidential electors of each congressional district shall cast their ballots for  
2 the presidential and vice-presidential candidates who received the largest number of votes  
3 in each respective congressional district ~~according to the ranked-choice method of counting~~  
4 ~~votes described in section 723-A.~~

5

#### **SUMMARY**

6

This bill repeals the laws governing ranked-choice voting.