

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1917

S.P. 779

In Senate, May 9, 2023

**RESOLUTION, Proposing an Amendment to the Constitution of
Maine To Implement Ranked-choice Voting for Governor, State
Senator and State Representative**

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator RENY of Lincoln.
Cosponsored by Senators: GROHOSKI of Hancock, HICKMAN of Kennebec,
Representatives: CRAFTS of Newcastle, RIELLY of Westbrook, SKOLD of Portland.

1 **Constitutional amendment. Resolved:** Two thirds of each branch of the
2 Legislature concurring, that the following amendment to the Constitution of Maine be
3 proposed:

4 **Constitution, Art. IV, Pt. First, §5** is amended to read:

5 **Section 5. Election of Representatives; lists records and tabulation of votes**
6 **delivered forthwith; ~~lists of votes~~ tabulation examined by Governor; summons**
7 **of persons who appear to be elected; lists tabulation shall be laid before the**
8 **House.** The meetings within this State for the choice of Representatives shall be warned
9 in due course of law by qualified officials of the several towns and cities 7 days at least
10 before the election, and the election officials of the various towns and cities shall preside
11 impartially at such meetings; and receive the votes of all the qualified electors, which votes
12 must involve in any election involving 3 or more candidates the ranking of candidates in
13 order of preference according to the procedure established by law. Those officials shall
14 form a record of all votes received, shall sort, count and declare them the votes for each
15 candidate, or the first-choice votes for each candidate if the electors rank candidates in
16 order of preference, in open meeting; and shall form a list of the persons candidates voted
17 for shall be formed, with the number of votes or first-choice votes for each person candidate
18 against that person's candidate's name. Cities and towns belonging to any Representative
19 District shall hold their meetings at the same time in the respective cities and towns; and
20 such meetings shall be notified, held and regulated, the votes received, sorted, counted and
21 declared in the same manner. Fair copies of the lists of votes or first-choice votes shall be
22 attested by the municipal officers and the clerks of the cities and towns and the city and
23 town clerks respectively shall cause the same to be delivered into the office of the Secretary
24 of State, together with such other attested records of the vote as may be required. The
25 Secretary of State shall tabulate the votes forthwith. If the electors rank candidates in order
26 of preference, the tabulation must occur in rounds according to the procedure established
27 by law. The Governor shall examine the returned copies of such lists tabulation and, 7 days
28 before the first Wednesday of December biennially, shall issue a summons to such persons
29 as shall appear to have been elected by a plurality majority of all votes returned or, if the
30 electors rank candidates in order of preference, a majority of all votes in the final round of
31 tabulation, to attend and take their seats. All such lists The tabulation shall be laid before
32 the House of Representatives on the first Wednesday of December biennially, and they
33 shall finally determine who are elected.

34 **Constitution, Art. IV, Pt. Second, §§3, 4 and 5** are amended to read:

35 **Section 3. Election of Senators; lists records and tabulation of votes**
36 **delivered forthwith.** The meetings within this State for the election of Senators shall be
37 notified, held and regulated and the votes received, sorted, counted, declared and recorded,
38 in the same manner as those for Representatives. Fair copies of the lists of votes or, if the
39 electors rank candidates in order of preference, lists of first-choice votes shall be attested
40 by the clerks of the cities and towns or other duly authorized officials and sealed up in open
41 meetings and such officials shall cause said lists to be delivered into the office of the
42 Secretary of State, together with such other attested records of the vote as may be required.
43 The Secretary of State shall tabulate the votes forthwith in the same manner as votes for
44 Representatives.

1 **Section 4. Lists of votes Tabulation examined by Governor; summons to**
2 **persons who appear to be elected.** The Governor shall, as soon as may be, examine
3 the ~~copies of such lists, tabulation~~ and at least 7 days before the said first Wednesday of
4 December, issue a summons to such persons, as shall appear to be elected by a ~~plurality~~
5 majority of the votes or, if the electors rank candidates in order of preference, a majority of
6 all votes in the final round of tabulation in each senatorial district, to attend that day and
7 take their seats.

8 **Section 5. Determination of Senators elected; procedure for filling**
9 **vacancies.** The Senate shall, on said first Wednesday of December, biennially determine
10 who is elected by a ~~plurality~~ majority of votes or, if the electors rank candidates in order of
11 preference, a majority of all votes in the final round of tabulation to be Senator in each
12 district. All vacancies in the Senate arising from death, resignation, removal from the State
13 or like causes, ~~and also vacancies, if any, which may occur because of the failure of any~~
14 ~~district to elect by a plurality of votes the Senator to which said district shall be entitled~~
15 shall be filled by an immediate election in the unrepresented district. The Governor shall
16 issue a proclamation therefor and therein fix the time of such election.

17 **Constitution, Art. V, Pt. First, §3** is amended to read:

18 **Section 3. Election; records and tabulation of votes to be returned delivered**
19 **forthwith to Secretary of State; Secretary of State to lay lists tabulation before**
20 **the Senate and House of Representatives; provision in case of tie.** The meetings
21 for election of Governor shall be notified, held and regulated and votes shall be received,
22 sorted, counted and declared and recorded, in the same manner as those for Senators and
23 Representatives. Copies of lists of votes ~~or, if the electors rank candidates in order of~~
24 preference, lists of first-choice votes together with such other attested records of the vote
25 as may be required shall be sealed and returned to the secretary's office in the same manner
26 and at the same time as those for Senators ~~and Representatives.~~ The Secretary of State ~~for~~
27 ~~the time being~~ shall tabulate the votes in the same manner as those for Senators and
28 Representatives and, on the first Wednesday after the first Tuesday of January then next,
29 the Secretary of State shall lay the lists returned to the secretary's office tabulation before
30 the Senate and House of Representatives to be by them examined, together with the ballots
31 or attested records of ballots cast if they so elect, and they shall determine the number of
32 votes duly cast for the office of Governor, ~~and in case of a choice by plurality of all of the~~
33 ~~votes returned they.~~ The Senate and House of Representatives shall declare and publish
34 the same name of the person having a majority of votes or, if the electors rank candidates
35 in order of preference, the person having a majority of votes in the final round of tabulation.
36 ~~If there shall be the tabulation results in a tie between the 2 persons having the largest~~
37 ~~number of votes for Governor, the House of Representatives and the Senate meeting in~~
38 ~~joint session, and each member of said bodies having a single vote, shall elect one of said~~
39 ~~the 2 persons having so received an equal number of votes and the person so elected by the~~
40 ~~Senate and House of Representatives shall be declared the Governor.~~

41 **Constitutional referendum procedure; form of question; effective date.**
42 **Resolved:** That the municipal officers of this State shall notify the inhabitants of their
43 respective cities, towns and plantations to meet, in the manner prescribed by law for holding
44 a statewide election, at a statewide election held in the month of November following the

1 passage of this resolution, to vote upon the ratification of the amendment proposed in this
2 resolution by voting upon the following question:

3 "Do you favor amending the Constitution of Maine to require candidates
4 for the political offices of Governor, State Senator and State
5 Representative to be elected by a majority of the votes cast for that office
6 or, if the candidates for those political offices are ranked in order of
7 preference, a majority of all votes in the final round of tabulation for that
8 office?"

9 The legal voters of each city, town and plantation shall vote by ballot on this question
10 and designate their choice by a cross or check mark placed within the corresponding square
11 below the word "Yes" or "No." The ballots must be received, sorted, counted and declared
12 in open ward, town and plantation meetings and returns made to the Secretary of State in
13 the same manner as votes for members of the Legislature. The Governor shall review the
14 returns. If it appears that a majority of the legal votes are cast in favor of the amendment,
15 the Governor shall proclaim that fact without delay and the amendment becomes part of
16 the Constitution of Maine on the date of the proclamation.

17 **Secretary of State shall prepare ballots. Resolved:** That the Secretary of State
18 shall prepare and furnish to each city, town and plantation all ballots, returns and copies of
19 this resolution necessary to carry out the purposes of this referendum.

20 SUMMARY

21 This resolution proposes to amend the Constitution of Maine to apply ranked-choice
22 voting to general elections for the political offices of Governor, State Senator and State
23 Representative.