

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1356

H.P. 879

House of Representatives, April 1, 2025

**An Act to Change the State's Method of Allocating Electoral Votes
from a Congressional District Method to a Winner-take-all Method
Contingent on the State of Nebraska Changing its Method of
Allocating Electoral Votes**

Received by the Clerk of the House on March 28, 2025. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative LEE of Auburn.

Cosponsored by Senator ROTUNDO of Androscoggin and

Representatives: ABDI of Lewiston, CLOUTIER of Lewiston, DILL of Old Town, LAJOIE of Lewiston, O'HALLORAN of Brewer, RANA of Bangor, ROEDER of Bangor, Senator: BEEBE-CENTER of Knox.

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

2 **Sec. 1. 21-A MRSA §723-A, sub-§5-B**, as amended by PL 2023, c. 304, Pt. A,
3 §18 and affected by §39, is further amended to read:

4 **5-B. Presidential primary elections; selection of delegates.** Notwithstanding any
5 provision of this section to the contrary, for presidential primary elections, tabulation must
6 continue until only 2 continuing candidates remain, separate tabulations must be conducted
7 statewide ~~and for each congressional district~~ and selection and allocation of delegates to a
8 party's national presidential nominating convention must be in accordance with any
9 reasonable procedures established at the state party convention, except that unenrolled
10 voters who participate in the party's primary election must be considered members of the
11 party for purposes of allocating delegates.

12 **Sec. 2. 21-A MRSA §802, first ¶**, as enacted by PL 1985, c. 161, §6, is amended
13 to read:

14 ~~One~~ All presidential elector ~~shall be~~ electors in the State are chosen ~~from each~~
15 ~~congressional district and 2 at large~~ statewide.

16 **Sec. 3. 21-A MRSA §803, sub-§1**, as enacted by PL 2023, c. 628, §6, is amended
17 to read:

18 **1. Duties.** Except when the National Popular Vote for President Act governs the
19 appointment of presidential electors, as soon as possible after the presidential electors are
20 chosen, the Governor shall send a certificate of the determination of the electors to the
21 Archivist of the United States under state seal. The certificate must state the names of the
22 electors and the number of votes each candidate for President received statewide ~~and for~~
23 ~~each congressional district~~ in the final round of tabulation under section 723-A. The
24 Governor shall deliver 6 certificates under state seal to the electors before the day
25 established by federal law for the meeting of electors.

26 **Sec. 4. 21-A MRSA §805, sub-§2**, as amended by PL 2023, c. 628, §7, is further
27 amended to read:

28 **2. Presidential electors.** Except as provided in subsection 2-A, the presidential
29 electors ~~at large~~ shall cast their ballots for the presidential and vice-presidential candidates
30 who received the largest number of votes in the State according to the ranked-choice
31 method of counting votes described in section 723-A. ~~The presidential electors of each~~
32 ~~congressional district shall cast their ballots for the presidential and vice-presidential~~
33 ~~candidates who received the largest number of votes in each respective congressional~~
34 ~~district according to the ranked-choice method of counting votes described in section~~
35 ~~723-A.~~

36 **Sec. 5. Contingent effective date.** This Act does not take effect unless:

37 1. The State of Nebraska adopts a law allocating 3 or more of that state's 5 electoral
38 votes on an at-large basis or otherwise allocates 3 or more of that state's 5 electoral votes
39 on an at-large basis; and

40 2. The Secretary of State notifies the Secretary of the Senate, the Clerk of the House of
41 Representatives and the Office of the Revisor of Statutes that the State of Nebraska has
42 adopted a law allocating that state's electoral votes under subsection 1.

In no event may this Act take effect until 90 days after adjournment of the First Regular Session of the 132nd Legislature.

SUMMARY

This bill requires the State's presidential electors to cast their ballots for the presidential and vice-presidential candidates who received the highest number of votes in the State according to the ranked-choice voting process contingent on the State of Nebraska changing that state's system of allocation of electoral votes from a congressional district method to a winner-take-all method of electoral vote allocation.