

MAINE STATE LEGISLATURE

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**Maine Citizen's Guide to the
Special Referendum Election**

Tuesday, June 12, 2018



**In Accordance with
the March 20, 2018 Proclamation of the
Secretary of State**

**Matthew Dunlap
Secretary of State**

Appropriation 010-29A-4213-012

State of Maine
Office of the Secretary of State
Augusta, Maine 04333

Dear Fellow Citizen,

The information in this booklet is intended to help voters learn about the question that will appear on the June 12, 2018 Special Referendum Election ballot. Referendum elections are an important part of the heritage of public participation in Maine.

Inside this booklet, you will find:

- ◆ the referendum question;
- ◆ the legislation the question represents;
- ◆ a summary of the intent and content of the legislation;
- ◆ an explanation of the significance of a “yes” or “no” vote; and
- ◆ public comments filed in support of or in opposition to the ballot measure.

For information about how and where to vote, please contact your local Municipal Clerk or call Maine’s Division of Elections at 624-7650. Information is also available online at www.maine.gov/sos.

The Departments of the Secretary of State and the Attorney General have worked together to prepare this booklet of information and we hope you find it helpful.

Sincerely,



Matthew Dunlap
Secretary of State

Question 1: People's Veto

Do you want to reject the parts of a new law that would delay the use of ranked-choice voting in the election of candidates for any state or federal office until 2022, and then retain the method only if the constitution is amended by December 1, 2021, to allow ranked-choice voting for candidates in state elections?

To the Governor of the State of Maine:

In accordance with Section 17 of Article IV, Part Third of the Constitution of the State of Maine, the undersigned electors of the State of Maine, qualified to vote for Governor, residing in said State, whose names have been certified, hereby request to veto parts of Public Law 2017, Chapter 316, "An Act To Implement Ranked-choice Voting in 2021" as shown below. The parts of Sections 1 and 3 to be vetoed are shaded in gray. The other sections printed below would be vetoed in full.

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Sec. 1. 21-A MRSA §1, sub-§27-C, as enacted by IB 2015, c. 3, §1, is repealed and the following enacted in its place: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

INTENT AND CONTENT

This referendum asks whether Maine voters want to reject those portions of legislation that would delay implementation of ranked-choice voting in state and federal elections (including primaries) until 2022, and then repeal ranked-choice voting unless the Maine Constitution is amended to allow ranked-choice voting in general elections for state offices by December 1, 2021.

The voters of Maine approved a citizen's initiative in the fall of 2016 to establish ranked-choice voting ("RCV") as a new method of voting and determining the winner of elections for U.S. Senate, Congress, Governor, State Senator, and State Representative, including primary elections to select nominees for those offices. In May, 2017, the Justices of the Supreme Judicial Court advised the Maine Senate that implementing RCV in general elections for Governor, State Senator and State Representative would conflict with the Maine Constitution, which provides that such elections must be determined by a plurality of the votes. *Opinion of the Justices*, 2017 ME 100, 162 A.3d 188.

In an election determined by plurality, voters may vote for only one candidate per office, and the candidate who receives more votes than any other candidate for that office wins. Under the RCV method, by contrast, voters rank the candidates for each office in order of preference. If no candidate receives more than 50% of the first choice votes, then the lowest ranked candidate is defeated, and the second choice rankings on those ballots are added to the first choice tallies of the continuing candidates in a second round of counting. The rounds of counting continue in this manner until there are only two candidates left. The candidate who receives the most votes in that final round wins. The *Opinion of the Justices* did not identify any constitutional conflict with implementing RCV in primary elections, or in general elections for federal offices.

In the fall of 2017, the Legislature amended the citizen-initiated RCV law in several respects. The amendments added language to delay implementation of RCV until after December 1, 2021, and to repeal the RCV law entirely unless the Legislature and the voters have adopted an amendment to the Maine Constitution before that date to authorize RCV in elections for Governor, State Senator and State Representative.

A group of citizens gathered enough valid signatures on a people's veto referendum petition by February 2, 2018, to suspend the parts of the 2017 legislation that would delay and potentially repeal RCV, and to place a question on the ballot rejecting these provisions. If the voters approve the people's veto referendum question on the June 12, 2018 ballot, then the legislative provisions delaying and potentially repealing RCV would be rejected. RCV would become the method for determining the outcome of any primary election in the future, and of any general election for U.S. Senate and for Congress.

A "YES" vote *favors the people's veto*, meaning that ranked-choice voting would be the method for choosing party nominees in future primary elections for all state and federal offices, and in determining the winners of general elections for U.S. Senate and Congress.

A "NO" vote *opposes the people's veto*, meaning that ranked-choice voting would be delayed until after December 1, 2021, and repealed unless the Legislature and the voters adopt a constitutional amendment by that date authorizing RCV in general elections for Governor, State Senator and State Representative.

Public Comments

No public comments were filed in opposition to Question 1.

Public comment in support of Question 1

Comment submitted by:

The Committee for Ranked Choice Voting
Richard Woodbury, Chair
PO Box 928
Gorham, ME 04038

Voting “Yes” on Question 1 protects Maine’s Ranked Choice Voting Law. This is necessary to stop the Maine Legislature from once again overturning the will of the people.

If this issue sounds familiar, it’s because you’ve voted on it before. Ranked Choice Voting was approved by nearly 400,000 Maine voters in November 2016 and enacted with the second most votes of any referendum in Maine’s history. We’re voting on this for a second time only because the Legislature repealed what we voted for at the ballot box. In fact, the Legislature changed or repealed all four initiatives that were approved by voters in 2016.

We cannot allow the Legislature to overturn the will of the people. Fortunately, Maine’s Constitution gives us the right to reverse their decisions through the People’s Veto.

Voting “Yes” on Question 1 affirms our constitutional right to direct democracy and rejects the Legislature’s repeal of our law and their repeated disregard for the will of the people.

Maine’s Ranked Choice Voting Law puts more power in the hands of all voters and ensures that candidates who are opposed by a majority of voters can never win. With Ranked Choice Voting, you have the freedom to vote for the candidate you like the best without worrying that you will help the candidate you like the least. You never feel like your vote is wasted.

Stand up to the politicians who think that they know better than you. Insist on more voice and more choice in our democracy. Vote “Yes” on Question 1.

Please visit our website for more information: www.rcvmaine.com

Paid for by the Committee for Ranked Choice Voting. PO Box 928, Gorham, ME 04038.

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| <p>The printing of this public comment does not constitute an endorsement by the State of Maine, nor does the State warrant the accuracy or truth of any statements made in the public comment.</p> |
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