

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1714

H.P. 1263

House of Representatives, March 20, 2001

**An Act Relating to the Election of Candidates by the Instant Runoff
Voting Method.**

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative TWOMEY of Biddeford.
Cosponsored by Representative MITCHELL of Vassalboro and
Representatives: BULL of Freeport, FULLER of Manchester, HAWES of Standish,
McGLOCKLIN of Embden, MENDROS of Lewiston, MICHAEL of Auburn, VOLENIK of
Brooklin.

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

2
4 **Sec. 1. 21-A MRSA §1, sub-§21-A** is enacted to read:

6 **21-A. Instant runoff voting method.** "Instant runoff voting
8 method" means a method of casting and tabulating votes that
10 simulates the ballot counts that would occur if all voters
12 participated in a series of runoff elections and that allows
14 voters to rank candidates according to their preferences.

16 **Sec. 2. 21-A MRSA §1, sub-§27-A** is enacted to read:

18 **27-A. Offices subject to the instant runoff voting method.**
20 "Offices subject to the instant runoff voting method" means the
22 offices of President, Vice-President, United States Senator,
24 United States Representative to Congress, Governor, state Senator
26 and state Representative.

28 **Sec. 3. 21-A MRSA §602, sub-§2, ¶I** is enacted to read:

30 I. For offices subject to the instant runoff voting method,
32 the ballot must be simple and easy to understand and allow a
34 voter to rank candidates for an office in order of choice.
36 A voter may include no more than one write-in candidate
38 among that voter's ranked choices for each office. If
40 feasible, ballots must be designed so that a voter may mark
42 that voter's first choices in the same manner as that for
44 offices not elected by the instant runoff voting method.

46 Instructions on the ballot must conform substantially to the
48 following specifications, although subject to modification
50 based on ballot design and voting machine:

"Vote for candidates by indicating your first-choice
 candidate and ranking additional candidates in order of
 preference. Indicate your first choice by marking the
 number "1" beside a candidate's name, your 2nd choice by
 marking the number "2" beside a candidate's name, your 3rd
 choice by marking the number "3" beside a candidate's name
 and so on, for as many choices as you wish. You may choose
 to rank only one candidate, but ranking additional
 candidates will not help defeat your first-choice
 candidate. Do not mark the same number beside more than one
 candidate. Do not skip numbers."

Sec. 4. 21-A MRSA §603, sub-§1, ¶C is enacted to read:

C. A sample ballot for an office subject to the instant
 runoff voting method must illustrate the voting procedure
 for the instant runoff voting method.

2 **Sec. 5. 21-A MRSA §603, sub-§7** is enacted to read:

4 7. Include with absentee ballot. A clerk shall provide a
6 sample ballot with each absentee ballot.

8 **Sec. 6. 21-A MRSA §625**, as amended by PL 1997, c. 436, §87,
is further amended by adding at the end a new paragraph to read:

10 The clerk shall post a sample ballot in or near a voting
12 booth on election day.

14 **Sec. 7. 21-A MRSA §722, sub-§1**, as repealed and replaced by PL
1999, c. 426, §23, is amended to read:

16 **1. How tabulated.** The Secretary of State shall tabulate
18 all votes that appear by an election return to have been cast for
a candidate whose name appeared on the ballot. For offices
20 subject to the instant runoff voting method, the Secretary of
State must tabulate the votes according to the instant runoff
22 voting method in section 726. All write-in candidates, as
defined in section 1, subsection 51, receiving less than 5% of
24 the votes cast for that office must be titled "others" when the
tabulation is processed.

26 **Sec. 8. 21-A MRSA §723, sub-§2.** as amended by PL 1999, c. 426,
§26, is further amended to read:

28 **2. Other elections.** In any other election, the person who
30 receives a plurality of the votes cast for election to any office
is elected to that office, except that ~~write-in candidates must~~
32 ~~also comply with section 722-A:~~

34 A. Write-in candidates must also comply with section 722-A;
and

36 B. For offices subject to the instant runoff voting method,
38 the person who is determined to be the winner under the
instant runoff voting method in section 726 is elected to
40 that office.

42 **Sec. 9. 21-A MRSA §726** is enacted to read:

44 §726. Instant runoff voting method

46 1. Procedures. The following procedures are used to
48 determine the winner in an election for an office subject to the
instant runoff voting method.

2 A. The first choice marked on each ballot must be counted
4 initially by the election officials. The ballot count is
6 the same as the count that would occur if voters
8 participated in a series of runoff elections, with the
10 weakest candidate eliminated after each round of counting.

12 B. In every round of counting, each ballot is counted as
14 one vote for that ballot's highest ranked advancing
16 candidate. "Advancing candidate" means a candidate for an
18 office who has not been eliminated. If more than 2
20 candidates have received votes after the initial round of
22 counting, the Secretary of State shall conduct an instant
24 runoff round. In this instant runoff round, the Secretary
26 of State shall eliminate the candidate with the fewest
28 votes. A ballot that ranks this eliminated candidate as the
30 highest-ranked candidate must be counted as a vote for the
32 highest-ranked advancing candidate on that ballot. This
34 process of counting votes and eliminating the candidate with
36 the fewest votes must continue until 2 candidates remain.
38 The candidate with the most votes then must be declared the
40 winner.

42 C. If a ballot has no more available choices ranked on it,
44 that ballot must be declared exhausted. A ballot that skips
46 one number must be counted for that voter's next clearly
48 indicated choice, but a ballot that skips more than one
50 number must be declared exhausted when this skipping of
52 numbers is reached. A ballot with the same number for 2 or
54 more candidates must be declared exhausted when these double
56 numbers are reached.

58 D. For ties between candidates occurring at any stage in
60 the tabulation, determinations must be made based on
62 whomever was credited with the most votes at the previous
64 stage of tabulation. In the case of any tie to which a
66 previous stage does not apply, the tie must be resolved in
68 accordance with the general election laws of the State.

70 2. Change of voting method. The legislative body of a
72 municipality or election authorities may provide for the use of
74 mechanical, electronic or other devices for marking, sorting and
76 counting the ballots and tabulating the results and may modify
78 the form of the ballots, the directions to voters and the details
80 with respect to the method of marking, sorting, counting,
82 invalidating and retaining ballots and the tabulating and
84 recounting of votes, as long as no change is made that alters the
86 intent or principles embodied in this section.

88

2 3. Modification of instant runoff voting method ballot and
3 count. Modification of an instant runoff voting method ballot
4 and count is permitted in accordance with the following.

5 A. If the Secretary of State determines that the number of
6 candidates for a particular office exceeds the practical
7 space requirements for ranking all candidates on the ballot,
8 the number of allowable rankings may be limited to no fewer
9 than 5 candidates.

10 B. More than one candidate may be eliminated simultaneously
11 if the number of total votes credited for those candidates
12 is fewer than the number of total votes credited for the
13 candidate with the next greatest number of votes.

14 4. Effect on rights of political parties. For all
15 statutory and constitutional provisions in this State pertaining
16 to the rights of political parties, the number of votes cast for
17 a party's candidate for a particular office is the number of
18 votes credited to that candidate after the initial round of
19 counting.

20 **Sec. 10. 21-A MRSA §805, sub-§2, as enacted by PL 1985, c.**
21 **161, §6, is amended to read:**

22 **2. Presidential electors.** The presidential electors at
23 large shall cast their ballots for the presidential and
24 vice-presidential candidates who ~~received the largest number of~~
25 were declared the winners pursuant to section 726 for
26 the State. The presidential electors of each congressional
27 district shall cast their ballots for the presidential and
28 vice-presidential candidates who ~~received the largest number of~~
29 were declared the winners pursuant to section 726 in each
30 respective congressional district.
31

32 SUMMARY

33 This bill creates the instant runoff voting method of
34 determining winners in elections for President, Vice-President,
35 United States Senator, United States Representative to Congress,
36 Governor, state Senator and state Representative. The method
37 simulates the ballot counts that would occur if all voters
38 participated in a series of runoff elections and allows a voter
39 to rank candidates according to that voter's preferences. Each
40 voter has only one vote for each office, and the ballot count is
41 the same as would occur if voters participated in a series of
42 runoff elections, with the weakest candidate eliminated after
43 each round of counting.
44

2 There is an initial round of counting. If more than 2
3 candidates have received votes after the initial round, the
4 Secretary of State conducts an instant runoff round. In this
5 instant runoff round, the Secretary of State eliminates the
6 candidate with the fewest votes. A ballot that ranks this
7 eliminated candidate as the highest-ranked candidate is counted
8 as a vote for the highest-ranked advancing candidate on that
9 ballot. An advancing candidate is a candidate who has not been
10 eliminated. This process of counting votes and eliminating the
11 candidate with the fewest votes continues until 2 candidates
12 remain. The candidate with the most votes is declared the winner.

13
14 For the presidential and vice-presidential elections, the
instant runoff voting method is conducted to determine winners
for the entire State as well as in each congressional district.