

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

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No. 212

H.P. 171

House of Representatives, January 21, 2003

An Act to Establish Instant Run-off Voting

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BULL of Freeport.

Cosponsored by Representative SIMPSON of Auburn, President DAGGETT of Kennebec and Representatives: DUDLEY of Portland, KOFFMAN of Bar Harbor, McKEE of Wayne, O'NEIL of Saco, PINGREE of North Haven, RICHARDSON of Brunswick, TWOMEY of Biddeford, Senator: STRIMLING of Cumberland.

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

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

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

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

27-B. Offices subject to instant run-off voting method. "Offices subject to the instant run-off voting method" means the offices of President, Vice President, United States Senator, United States Representative to Congress, Governor, state Senator and state Representative.

Sec. 3. 21-A MRSA §601, sub-§2, ¶J is enacted to read:

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

Instructions on the ballot must conform substantially to the following specifications, although subject to modification 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:

2 C. A sample ballot for an office subject to the instant
3 run-off voting method must illustrate the voting procedure
4 for the instant run-off voting method.

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

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

8 **Sec. 6. 21-A MRSA §625**, as amended by PL 1997, c. 436, §87,
9 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
11 booth on election day.

12 **Sec. 7. 21-A MRSA §722, sub-§1**, as amended by PL 2001, c. 516,
13 §13, is further amended to read:

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

23 **Sec. 8. 21-A MRSA §723, sub-§2**, as amended by PL 2001, c. 516,
24 §15, is further amended to read:

25 **2. Other elections.** In any other election, the person who
26 receives a plurality of the votes cast for election to any
27 office, as long as there is at least one vote cast for that
28 office, is elected to that office, except that ~~write-in~~
29 ~~candidates-must-also-comply-with-section-722-A.:~~

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

32 B. For offices subject to the instant run-off voting
33 method, the person who is determined to be the winner under
34 the instant run-off voting method described in section 726
35 is elected to that office.

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

37 **§726. Instant run-off voting method**

1 1. Procedures. The following procedures are used to
2 determine the winner in an election for an office subject to the
3 instant run-off voting method.

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

10
11 B. In every round of counting, each ballot is counted as
12 one vote for that ballot's highest-ranked advancing
13 candidate. "Advancing candidate" means a candidate for an
14 office who has not been eliminated. If more than 2
15 candidates have received votes after the initial round of
16 counting, the Secretary of State shall conduct an instant
17 run-off round. In this instant run-off round, the Secretary
18 of State shall eliminate the candidate with the fewest
19 votes. A ballot that ranks this eliminated candidate as the
20 highest-ranked candidate must be counted as a vote for the
21 highest-ranked advancing candidate on that ballot. This
22 process of counting votes and eliminating the candidate with
23 the fewest votes must continue until 2 candidates remain.
24 The candidate with the most votes then must be declared the
25 winner.

26
27 C. If a ballot has no more available choices ranked on it,
28 that ballot must be declared exhausted. A ballot that skips
29 one number must be counted for that voter's next clearly
30 indicated choice, but a ballot that skips more than one
31 number must be declared exhausted when this skipping of
32 numbers is reached. A ballot with the same number for 2 or
33 more candidates must be declared exhausted when these double
34 numbers are reached.

35
36 D. For ties between candidates occurring at any stage in
37 the tabulation, determinations must be made based on
38 whomever was credited with the most votes at the previous
39 stage of tabulation. In the case of any tie to which a
40 previous stage does not apply, the tie must be resolved in
41 accordance with the general election laws of the State.

42
43 2. Change of voting method. The legislative body of a
44 municipality or election authorities may provide for the use of
45 mechanical, electronic or other devices for marking, sorting and
46 counting the ballots and tabulating the results and may modify
47 the form of the ballots, the directions to voters and the details
48 with respect to the method of marking, sorting, counting,
invalidating and retaining ballots and the tabulating and

2 recounting of votes, as long as no change is made that alters the
3 intent or principles embodied in this section.

4 3. Modification of instant run-off voting method ballot and
5 count. Modification of an instant run-off voting method ballot
6 and count is permitted in accordance with the following.

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

14 B. More than one candidate may be eliminated simultaneously
15 if the number of total votes credited for those candidates
16 is fewer than the number of total votes credited for the
17 candidate with the next greatest number of votes.

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

26 **Sec. 10. 21-A MRSA §805, sub-§2, as enacted by PL 1985, c.**
27 **161, §6, is amended to read:**

28 **2. Presidential electors.** The presidential electors at
29 large shall cast their ballots for the presidential and
30 vice-presidential candidates who ~~received the largest number of~~
31 ~~votes in~~ were declared the winners pursuant to section 726 for
32 the State. The presidential electors of each congressional
33 district shall cast their ballots for the presidential and
34 vice-presidential candidates who ~~received the largest number of~~
35 ~~votes~~ were declared the winners pursuant to section 726 in each
36 respective congressional district.

40 SUMMARY

42 This bill creates the instant run-off voting method of
43 determining winners in elections for President, Vice President,
44 United States Senator, United States Representative to Congress,
45 Governor, state Senator and state Representative. The method
46 simulates the ballot counts that would occur if all voters
47 participated in a series of run-off elections and allows a voter
48 to rank candidates according to that voter's preferences. Each
49 voter has only one vote for each office, and the ballot count is
50 the same as would occur if voters participated in a series of

run-off elections, with the weakest candidate eliminated after
2 each round of counting.

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

16 For the presidential and vice-presidential elections, the
18 instant run-off voting method is conducted to determine winners
for the entire State as well as in each congressional district.