

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 585

H.P. 452

House of Representatives, February 5, 2007

An Act To Establish Instant Run-off Voting for Gubernatorial Races

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative HINCK of Portland.
Cosponsored by Representative KNIGHT of Livermore Falls and
Representatives: BERRY of Bowdoinham, CHASE of Wells, CROSTHWAITE of Ellsworth,
PIEH of Bremen, ROBINSON of Raymond, SAVIELLO of Wilton, Senators: PERRY of
Penobscot, STRIMLING of Cumberland.

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

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

3 **21-A. Instant run-off voting method.** "Instant run-off voting method" means a
4 method of casting and tabulating votes for Governor that simulates the ballot counts that
5 would occur if all voters participated in a series of run-off elections and that allows voters
6 to rank candidates according to their preferences.

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

8 J. That portion of the ballot pertaining to candidates for Governor must be simple
9 and easy to understand and allow a voter to rank candidates in order of choice. A
10 voter may include no more than one write-in candidate among that voter's ranked
11 choices. If feasible, ballots must be designed so that a voter may mark that voter's
12 first choice in the same manner as that for offices not elected by the instant run-off
13 voting method.

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

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

24 **Sec. 3. 21-A MRSA §603, sub-§1, ¶C** is enacted to read:

25 C. The ballot must illustrate the voting procedure for the instant run-off voting
26 method for Governor.

27 **Sec. 4. 21-A MRSA §603, sub-§7** is enacted to read:

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

30 **Sec. 5. 21-A MRSA §625,** as amended by PL 1997, c. 436, §87, is further
31 amended by adding at the end a new paragraph to read:

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

33 **Sec. 6. 21-A MRSA §722, sub-§1,** as amended by PL 2001, c. 516, §13, is
34 further amended to read:

35 **1. How tabulated.** The Secretary of State shall tabulate all votes that appear by an
36 election return to have been cast for each question or candidate whose name appeared on
37 the ballot. For an election for Governor, the Secretary of State must tabulate the votes

1 according to the instant run-off voting method described in section 726. All write-in
2 candidates, as defined in section 1, subsection 51, receiving less than 5% of the votes cast
3 for that office must be titled "others" when the tabulation is processed.

4 **Sec. 7. 21-A MRSA §723, sub-§2**, as amended by PL 2001, c. 516, §15, is
5 further amended to read:

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

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

11 B. For an election for Governor, the person who is determined to be the winner
12 under the instant run-off voting method described in section 726 is elected Governor.

13 **Sec. 8. 21-A MRSA §726** is enacted to read:

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

15 **1. Procedures.** The following procedures are used to determine the winner in an
16 election for Governor.

17 A. The first choice marked on each ballot must be counted initially by the election
18 officials. The ballot count is the same as the count that would occur if voters
19 participated in a series of run-off elections, with the candidate with the fewest votes
20 eliminated after each round of counting.

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

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

37 D. For ties between candidates occurring at any stage in the tabulation,
38 determinations must be made based on whomever was credited with the most votes at
39 the previous stage of tabulation. In the case of any tie to which a previous stage does

1 not apply, the tie must be resolved in accordance with the general election laws of the
2 State.

3 **2. Change of voting method.** The legislative body of a municipality or election
4 authorities may provide for the use of mechanical, electronic or other devices for
5 marking, sorting and counting the ballots and tabulating the results and may modify the
6 form of the ballots, the directions to voters and the details with respect to the method of
7 marking, sorting, counting, invalidating and retaining ballots and the tabulating and
8 recounting of votes, as long as no change is made that alters the intent or principles
9 embodied in this section.

10 **3. Modification of instant run-off voting method ballot and count.** Modification
11 of an instant run-off voting method ballot and count is permitted in accordance with this
12 subsection.

13 A. If the Secretary of State determines that the number of candidates for Governor
14 exceeds the practical space requirements for ranking all candidates on the ballot, the
15 number of allowable rankings may be limited to no fewer than 5 candidates.

16 B. Two or more candidates may be eliminated simultaneously if the number of total
17 votes credited for those candidates is fewer than the number of total votes credited for
18 the candidate with the next greatest number of votes.

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

23 **Sec. 9. Effective date.** This Act takes effect January 1, 2014.

24 **SUMMARY**

25 This bill creates the instant run-off voting method of determining winners in elections
26 for Governor beginning in 2014. The method simulates the ballot counts that would
27 occur if all voters participated in a series of run-off elections and allows a voter to rank
28 candidates according to that voter's preferences. Each voter has only one vote and the
29 ballot count is the same as would occur if voters participated in a series of run-off
30 elections, with the candidate with the fewest votes eliminated after each round of
31 counting.

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