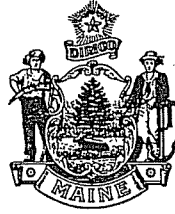# MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document	No. 1344
H.P. 945	House of Representatives, March 31, 2009

Resolve, To Authorize a Pilot Project on Ranked Choice Voting

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND
Clerk

Presented by Representative RUSSELL of Portland.
Cosponsored by Senator ALFOND of Cumberland and
Representatives: FITTS of Pittsfield, GOODE of Bangor, HINCK of Portland, KNIGHT of Livermore Falls, MacDONALD of Boothbay, O'BRIEN of Lincolnville, Speaker PINGREE of North Haven, TRINWARD of Waterville.

1   **Sec. 1. Definitions. Resolved:** That, as used in this resolve, the following terms
2   have the following meanings.

3   **1. Advancing candidate.** "Advancing candidate" means a candidate for office who
4   has not been eliminated in a round of tabulation of votes of ranked choice voting.

5   **2. Exhausted ballot.** "Exhausted ballot" means a ballot that has no remaining
6   available candidates after a round of tabulation of votes in ranked choice voting.

7   **3. Organized municipality.** "Organized municipality" means a town, city or
8   plantation in the State.

9   **4. Project.** "Project" means the ranked choice voting pilot project.

10   **5. Ranked choice voting.** "Ranked choice voting" means a run-off voting method
11   that produces a majority winner in an election with 3 or more candidates in which the
12   ballot allows a voter, after marking the voter's first choice, to numerically rank the voter's
13   2nd and subsequent choices in descending order of preference to determine a majority
14   winner when the leading candidate after the initial round of tabulation has not obtained a
15   majority of first-choice votes. In ranked choice voting, when the leading candidate has
16   not obtained a majority of first-choice votes after the initial round of tabulation of votes, a
17   2nd round of tabulation is held in which the candidate with the smallest number of first-
18   choice votes is eliminated and the ballots are recounted with the next choice of candidate
19   in descending order to the eliminated candidate replacing the eliminated candidate's
20   ranking on each ballot. If the 2nd round of tabulation of votes does not produce a
21   majority winner, then the process is repeated with subsequent rounds of elimination and
22   tabulation until a candidate wins a majority of votes.

23   **6. Selected municipality.** "Selected municipality" means an organized municipality
24   selected by the Secretary of State to participate in the project under section 2; and be it
25   further

26   **Sec. 2. Secretary of State to oversee a pilot project to implement ranked
27   choice voting in certain municipal elections. Resolved:** That, with the agreement
28   of the election officials of the municipalities, the Secretary of State shall select up to 10
29   organized municipalities to participate in a ranked choice voting pilot project. Ranked
30   choice voting must be used in all qualifying elections of a selected municipality for a
31   period of 2 years from the effective date of this resolve if the election is:

32   **1. Date.** Held on a different date than a statewide or other jurisdictional election;

33   **2. Secret ballot.** A secret ballot election; and

34   **3. Candidate.** For a local office in which only one candidate is being selected.

35   The Secretary of State shall consider location and demographic composition in
36   selecting an organized municipality under this section; and be it further

1   **Sec. 3. Ballot specifications. Resolved:** That a selected municipality shall use a
2   ranked choice voting ballot provided by the Secretary of State for an election under
3   section 2. A ranked choice ballot may only have one space for a write-in candidate. The
4   Secretary of State shall establish the form, content and terms of use for all documents and
5   instructions for a ranked choice voting ballot and informing a voter of the proper use of
6   the ballot; and be it further

7   **Sec. 4. Ballot counting. Resolved:** That a municipal election official of a
8   selected municipality shall count a ranked choice ballot pursuant to the provisions of
9   section 1, subsection 5. A ballot that skips more than one ranking for the first choice in a
10   subsequent tabulation round from the previous tabulation round is deemed exhausted. A
11   ballot with 2 or more first-choice candidates in a tabulation round is deemed exhausted
12   except if only one candidate in that ranking is an advancing candidate for that round. A
13   candidate may be eliminated at the end of a tabulation round if for that round the sum of
14   the total of first-choice votes for the candidate and the total of first-choice votes of any
15   candidate with fewer first-choice votes than the candidate is less than the number of first-
16   choice votes of the candidate with the next greatest number of votes. The Secretary of
17   State shall oversee ballot counting under this section; and be it further

18   **Sec. 5. Effects on political parties. Resolved:** That, for the purposes of a
19   constitutional or statutory provision concerning a political party, the number of votes cast
20   for a candidate of a political party in an election is the number of votes cast for that
21   candidate in the first round of ranked choice voting; and be it further

22   **Sec. 6. Rules. Resolved:** That the Secretary of State may adopt rules to carry out
23   the purposes of this resolve. Rules adopted pursuant to this section are routine technical
24   rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A; and be
25   it further

26   **Sec. 7. Application. Resolved:** That the terms of this resolve replace a
27   conflicting provision of any statute or municipal charter or ordinance concerning the
28   conduct of a municipal election of a selected municipality; and be it further

29   **Sec. 8. Severability clause. Resolved:** That the provisions of this resolve are
30   severable and if any provision or application of a provision of this resolve is held to be
31   invalid that invalidity does not affect any other provision or application of this resolve
32   that can be given effect without the invalid provision or application; and be it further

33   **Sec. 9. Report. Resolved:** That the Secretary of State shall submit a report
34   concerning the project and any recommended legislation to the joint standing committee
35   of the Legislature having jurisdiction over legal and veterans affairs by December 7,
36   2011. The committee is authorized to submit legislation related to this report to the
37   Second Regular Session of the 125th Legislature at the time of the submission of the
38   report.

1   SUMMARY

2   This resolve establishes a 2-year pilot project overseen by the Secretary of State that
3   involves ranked choice voting to determine a majority winner in municipal elections with
4   3 or more candidates. The pilot project will involve up to 10 municipalities selected by
5   the Secretary of State to implement ranked choice voting in municipal elections that are
6   held at a different time than a statewide election, are secret ballot elections and are for
7   offices in which only one candidate is being selected. The ranked choice voting ballot
8   allows the voter to rank in descending order of preference the voter's 2nd and subsequent
9   choices for office after marking the voter's first choice for office. If, after the initial
10   round of voting there is not a majority winner, the candidate with the least amount of
11   votes is eliminated with all choices behind that candidate moved up in preference on each
12   ballot. A 2nd and subsequent rounds of voting are held using this process until a
13   candidate receives a majority of votes for the office. For purposes of the rights of
14   political parties, the amount of votes a candidate of a political party receives in the first
15   round of tabulation is considered the amount of votes that candidate received in the
16   election for that office. This resolve directs the Secretary of State to submit a report
17   concerning the pilot project and any recommended legislation to the 125th Legislature.