

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

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No. 1126

H.P. 838

House of Representatives, March 15, 2011

An Act To Require That the Governor Be Elected by the Ranked-choice Voting Method

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative RUSSELL of Portland.
Cosponsored by Representatives: BERRY of Bowdoinham, CORNELL du HOUX of Brunswick, GOODE of Bangor, HINCK of Portland, KNIGHT of Livermore Falls, McCABE of Skowhegan, O'BRIEN of Lincolnville.

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. Ranked-choice voting method.** "Ranked-choice 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 ranked-choice
13 voting method.

14 Instructions on the ballot must conform substantially to the following specifications,
15 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 ranked-choice 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 2009, c. 538, §7, is further amended
31 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 2009, c. 253, §36, 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 ranked-choice voting method described in section 726. The Secretary of
2 State shall tabulate the votes that appear by an election return to have been cast for a
3 declared write-in candidate and shall tabulate the votes that appear to have been cast for
4 an undeclared write-in candidate based on a recount requested and conducted pursuant to
5 section 737-A, subsection 2-A.

6 **Sec. 7. 21-A MRSA §723, sub-§2,** as amended by PL 2009, c. 253, §39, is
7 further amended to read:

8 **2. Other elections.** In any other election, the person who receives a plurality of the
9 votes cast for election to any office, as long as there is at least one vote cast for that
10 office, is elected to that office, except that ~~a write-in candidate must also comply with~~
11 ~~either section 722-A or section 737-A, subsection 2-A.~~

12 A. Write-in candidates must also comply with section 722-A or section 737-A,
13 subsection 2-A; and

14 B. For an election for Governor, the person who is determined to be the winner
15 under the ranked-choice voting method described in section 726 is elected Governor.

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

17 **§726. Ranked-choice voting method**

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

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

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

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

1 D. For ties between candidates occurring at any round of counting in the tabulation,
2 determinations must be made based on whomever was credited with the most votes at
3 the previous round. In the case of any tie to which a previous round does not apply,
4 the tie must be resolved in accordance with the general election laws of the State.

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

12 **3. Modification of ranked-choice voting method ballot and count.** Modification
13 of a ranked-choice voting method ballot and count is permitted in accordance with this
14 subsection.

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

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

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

25 **Sec. 9. 21-A MRSA §753-B, sub-§1,** as amended by PL 2009, c. 563, §2, is
26 further amended to read:

27 **1. Application or written request received.** Upon receipt of an application or
28 written request for an absentee ballot that is accepted pursuant to section 753-A, the clerk
29 shall immediately issue a sample ballot, pursuant to section 603, subsection 7, an
30 absentee ballot and return envelope by mail or in person to the applicant or to the
31 immediate family member or to a 3rd person designated in a written application or
32 request made by the voter, except that the clerk does not have to issue a ballot by mail to
33 any voter whose request was received after 5:00 p.m. on the Thursday before election
34 day. The clerk shall type or write in ink the name and the residence address of the voter
35 in the designated section of the return envelope.

36 **Sec. 10. Statutory referendum procedure; submission at election; form of**
37 **question; effective date.** This Act must be submitted to the legal voters of the State at
38 a statewide election held in the month of November following passage of this Act. The
39 municipal officers of this State shall notify the inhabitants of their respective cities, towns
40 and plantations to meet, in the manner prescribed by law for holding a statewide election,
41 to vote on the acceptance or rejection of this Act by voting on the following question:

1 "Do you favor electing the Governor by the ranked-choice voting
2 method?"

3 The legal voters of each city, town and plantation shall vote by ballot on this question
4 and designate their choice by a cross or check mark placed within a corresponding square
5 below the word "Yes" or "No." The ballots must be received, sorted, counted and
6 declared in open ward, town and plantation meetings and returns made to the Secretary of
7 State in the same manner as votes for members of the Legislature. The Governor shall
8 review the returns. If a majority of the legal votes are cast in favor of this Act, the
9 Governor shall proclaim the result without delay and this Act becomes effective 30 days
10 after the date of the proclamation.

11 The Secretary of State shall prepare and furnish to each city, town and plantation all
12 ballots, returns and copies of this Act necessary to carry out the purposes of this
13 referendum.

14 **SUMMARY**

15 This bill creates the ranked-choice voting method of determining winners in elections
16 for Governor. The method simulates the ballot counts that would occur if all voters
17 participated in a series of run-off elections and allows a voter to rank candidates
18 according to that voter's preferences. Each voter has only one vote and the ballot count is
19 the same as would occur if voters participated in a series of run-off elections, with the
20 candidate with the fewest votes eliminated after each round of counting.

21 There is an initial round of counting. If more than 2 candidates have received votes
22 after the initial round, the Secretary of State conducts a second round. In this second
23 round, the Secretary of State eliminates the candidate with the fewest votes. A ballot that
24 ranks this eliminated candidate as the highest-ranked candidate is counted as a vote for
25 the highest-ranked advancing candidate on that ballot. An advancing candidate is a
26 candidate who has not been eliminated. This process of counting votes and eliminating
27 the candidate with the fewest votes continues until 2 candidates remain. The candidate
28 with the most votes is declared the winner.

29 The bill requires that the question of electing the Governor in this manner go to a
30 statewide referendum to have the citizens of the State vote on the matter.