

MAINE STATE LEGISLATURE

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Date: 10/20/17 Report B

L.D. 1646
(Filing No. H-568)

VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "B" to H.P. 1137, L.D. 1646, Bill, "An Act To Bring Maine's Ranked-choice Voting Law into Constitutional Compliance"

Amend the bill by striking out the title and substituting the following:

'An Act To Implement Ranked-choice Voting in 2021'

Amend the bill in section 1 in subsection 27-C in paragraph C by striking out all of the last 5 lines (page 1, lines 12 to 16 in L.D.)

Amend the bill in section 1 in subsection 27-C by inserting at the end the following:

'This subsection is repealed December 1, 2021 unless, prior to that date, the voters of the State ratify an amendment to the Constitution of Maine, Article IV, Part First, Section 5, Article IV, Part Second, Sections 4 and 5 and Article V, Part First, Section 3 authorizing the Legislature, by proper enactment, to determine the method by which the Governor and members of the State Senate and House of Representatives are elected.'

Amend the bill by inserting after section 1 the following:

'Sec. 2. 21-A MRSA §1, sub-§35-A, as enacted by IB 2015, c. 3, §2, is amended to read:

35-A. Ranked-choice voting. "Ranked-choice voting" means the method of casting and tabulating votes in which voters rank candidates in order of preference, tabulation proceeds in sequential rounds in which last-place candidates are defeated and the candidate with the most votes in the final round is elected.

This subsection is repealed December 1, 2021 unless, prior to that date, the voters of the State ratify an amendment to the Constitution of Maine, Article IV, Part First, Section 5, Article IV, Part Second, Sections 4 and 5 and Article V, Part First, Section 3 authorizing the Legislature, by proper enactment, to determine the method by which the Governor and members of the State Senate and House of Representatives are elected.'

Amend the bill in section 2 in paragraph J by inserting at the end the following:

COMMITTEE AMENDMENT

1 'This paragraph is repealed December 1, 2021 unless, prior to that date, the voters of
2 the State ratify an amendment to the Constitution of Maine, Article IV, Part First,
3 Section 5, Article IV, Part Second, Sections 4 and 5 and Article V, Part First, Section
4 3 authorizing the Legislature, by proper enactment, to determine the method by
5 which the Governor and members of the State Senate and House of Representatives
6 are elected.'

7 Amend the bill in section 5 in subsection 1 by striking out all of the first sentence
8 (page 2, lines 5 to 8 in L.D.) and inserting the following:

9 'In a primary election held before December 1, 2021, the person who receives a plurality
10 of the votes cast for nomination to any office, as long as there is at least one vote cast for
11 that office, is nominated for that office, except for write-in candidates under paragraph A.
12 In a primary election held on or after December 1, 2021, the person who is determined
13 the winner pursuant to section 723-A for nomination to any office, as long as there is at
14 least one vote cast for that office, is nominated for that office, except for write-in
15 candidates under paragraph A.'

16 Amend the bill by adding after section 9 the following:

17 **'Sec. 10. 21-A MRSA §723-A, sub-§6,** as enacted by IB 2015, c. 3, §5, is
18 amended to read:

19 **6. Application.** This section applies to elections held on or after ~~January 1, 2018~~
20 December 1, 2021.

21 **Sec. 11. 21-A MRSA §723-A, sub-§7** is enacted to read:

22 7. Contingent repeal. This section is repealed December 1, 2021 unless, prior to
23 that date, the voters of the State ratify an amendment to the Constitution of Maine, Article
24 IV, Part First, Section 5, Article IV, Part Second, Sections 4 and 5 and Article V, Part
25 First, Section 3 authorizing the Legislature, by proper enactment, to determine the
26 method by which the Governor and members of the State Senate and House of
27 Representatives are elected.

28 **Sec. 12. Secretary of State to report.** The Secretary of State shall conduct an
29 evaluation of implementation of ranked-choice voting for primary elections for the
30 offices of United States Senator, United States Representative to Congress, Governor,
31 State Senator and State Representative and general and special elections for the offices of
32 United States Senator and United States Representative to Congress, including, but not
33 limited to, identification of statutory conflicts between Initiated Bill 2015, chapter 3 as
34 amended by this Act and relevant provisions of the Maine Revised Statutes. The
35 evaluation must include an estimate of the costs associated with the implementation of
36 ranked-choice voting. No later than January 2, 2019, the Secretary of State shall submit a
37 report to the joint standing committee of the Legislature having jurisdiction over election
38 matters, including recommended legislation, for the administration of ranked-choice
39 voting for the elections as described in this section. The joint standing committee of the
40 Legislature having jurisdiction over election matters is authorized to submit legislation
41 based on the report described in this section to the First Regular Session of the 129th
42 Legislature.

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Sec. 13. Contingent legislation. If the Maine Revised Statutes, Title 21-A, section 723-A is repealed pursuant to Title 21-A, section 723-A, subsection 7, the joint standing committee of the Legislature having jurisdiction over election matters shall submit a bill to the Second Regular Session of the 130th Legislature to reflect the repeal of ranked-choice voting provisions found in the Maine Revised Statutes.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment delays the implementation of ranked-choice voting until elections held after December 1, 2021. This amendment provides that the laws governing ranked-choice voting are repealed unless the Constitution of Maine is amended to authorize the Legislature to determine the method by which the Governor and members of the Legislature are elected. The amendment requires the Secretary of State to submit a report on the implementation of ranked-choice voting to the joint standing committee of the Legislature having jurisdiction over election matters no later than January 2, 2019.

FISCAL NOTE REQUIRED

(See attached)



Approved: 10/18/17 *MBC*

128th MAINE LEGISLATURE

LD 1646

LR 2379(03)

An Act To Bring Maine's Ranked-choice Voting Law into Constitutional Compliance

Fiscal Note for Bill as Amended by Committee Amendment *B. (H-568)*

Committee: Veterans and Legal Affairs

Fiscal Note Required: Yes

Fiscal Note

Unbudgeted savings on delay or repeal - General Fund

Unbudgeted savings on delay or repeal - Highway Fund

Fiscal Detail and Notes

Costs related to ranked-choice voting were estimated in the fiscal note for LD 1557 of the 127th Legislature, which was introduced as Initiated Bill 2 in response to a successful citizen initiated petition drive. As LD 1557 was indefinitely postponed, there was no opportunity to put funding for the Secretary of State (SOS) or the Department of Public Safety (DPS) into that bill. Subsequent approval by the voters in November of 2016 meant any funding would have to wait for implementing legislation. Delaying implementation of ranked-choice voting until elections held after December 1, 2021 will eliminate any funding that would have been required by the SOS and the DPS in the current biennium. As no funding has ever been budgeted, no savings will be booked on delay.

Additional costs to the Department of Secretary of State associated with conducting an evaluation and recommending legislation for the administration of ranked-choice voting can be absorbed within existing budgeted resources. Any appropriations and allocations associated with implementing ranked-choice voting would need to be included within that subsequent legislation. If the Constitution of Maine is not amended, the laws governing ranked-choice voting are repealed and no funding will be required.