



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1447

H.P. 1059

House of Representatives, April 2, 2019

An Act To Simplify Voting in Maine by Placing a Moratorium on Ranked-choice Voting

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

R(+ B. Hunt

ROBERT B. HUNT Clerk

Presented by Representative WHITE of Washburn. Cosponsored by Senator FARRIN of Somerset and Representatives: DILLINGHAM of Oxford, FAULKINGHAM of Winter Harbor, HANINGTON of Lincoln, MARTIN of Greene, STEWART of Presque Isle, STROM of Pittsfield, Senators: CYRWAY of Kennebec, DAVIS of Piscataquis.

1 Be it enacted by the People of the State of Maine as follows: Sec. 1. 21-A MRSA §1, sub-§27-C, as repealed and replaced by PL 2017, c. 316, 2 §1, is amended to read: 3 27-C. Elections determined by ranked-choice voting. "Elections determined by 4 ranked-choice voting" means: 5 A. Primary elections for the offices of United States Senator, United States 6 Representative to Congress, Governor, State Senator and State Representative; and 7 B. General and special elections for the offices of United States Senator and United 8 States Representative to Congress; and. 9 This subsection is repealed December 1, 2023 unless, prior to that date, the voters of the 10 State ratify an amendment to the Constitution of Maine, Article IV, Part First, Section 5, 11 Article IV, Part Second, Sections 4 and 5 and Article V, Part First, Section 3 authorizing 12 the Legislature, by proper enactment, to determine the method by which the Governor 13 14 and members of the State Senate and House of Representatives are elected. 15 Sec. 2. 21-A MRSA §1, sub-§35-A, as enacted by IB 2015, c. 3, §2, is amended to read: 16 35-A. Ranked-choice voting. "Ranked-choice voting" means the method of casting 17 and tabulating votes in which voters rank candidates in order of preference, tabulation 18 19 proceeds in sequential rounds in which last-place candidates are defeated and the candidate with the most votes in the final round is elected. 20 21 This subsection is repealed December 1, 2023 unless, prior to that date, the voters of the State ratify an amendment to the Constitution of Maine, Article IV, Part First, Section 5, 22 23 Article IV, Part Second, Sections 4 and 5 and Article V, Part First, Section 3 authorizing 24 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. 25 Sec. 3. 21-A MRSA §601, sub-§2, ¶J, as amended by PL 2017, c. 316, §3, is 26 27 further amended to read: J. For elections determined by ranked-choice voting, the ballot must be simple and 28 easy to understand and allow a voter to rank candidates for an office in order of 29 preference. A voter may include no more than one write-in candidate among that 30 voter's ranked choices for each office. 31 This paragraph is repealed December 1, 2023 unless, prior to that date, the voters of 32 the State ratify an amendment to the Constitution of Maine, Article IV, Part First, 33 Section 5, Article IV, Part Second, Sections 4 and 5 and Article V, Part First, Section 34 3 authorizing the Legislature, by proper enactment, to determine the method by 35 which the Governor and members of the State Senate and House of Representatives 36 37 are elected. 38 Sec. 4. 21-A MRSA §723, sub-§1, as amended by PL 2017, c. 248, §5, is further 39 amended to read:

1 **1. Primary election.** In a primary election <u>held before December 1, 2023</u>, the 2 person who receives a plurality of the votes cast for nomination to any office, as long as 3 there is at least one vote cast for that office, is nominated for that office, except for write-4 in candidates under paragraph A. <u>In a primary election held on or after December 1</u>, 5 2023, the person who is determined the winner pursuant to section 723-A for nomination 6 to any office, as long as there is at least one vote cast for that office, is nominated for that 7 office, except for write-in candidates under paragraph A.

- A. A write-in candidate who complies with section 722-A and who fulfills the other qualifications under section 334 may be nominated at the primary election if that person receives a number of valid write-in votes equal to at least twice the minimum number of signatures required under section 335, subsection 5 on a primary petition for a candidate for that office.
- B. The Secretary of State shall immediately certify by mail the nomination of each
 person nominated by the primary election.

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

6. Application. This section applies to elections held on or after January 1, 2018
 December 1, 2023.

19 Sec. 6. 21-A MRSA §723-A, sub-§7 is enacted to read:

7. Contingent repeal. This section is repealed December 1, 2023 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.

Sec. 7. 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 131st Legislature to reflect the repeal of rankedchoice voting provisions found in the Maine Revised Statutes.

31 **SUMMARY** 32 This bill suspends the use of ranked-choice voting until elections held after December 33 1, 2023. The bill provides that the laws governing ranked-choice voting are repealed 34 December 1, 2023 unless the Constitution of Maine is amended to authorize the 35 Legislature to determine the method by which the Governor and members of the 36 Legislature are elected.