

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

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No. 1038

H.P. 674

House of Representatives, March 7, 2023

An Act to Reinstate Plurality Voting by Repealing the Ranked-choice Voting Laws

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

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative POLEWARCZYK of Wiscasset.
Cosponsored by Representatives: BRADSTREET of Vassalboro, DUCHARME of Madison,
FOSTER of Dexter, HENDERSON of Rumford, LYMAN of Livermore Falls, POIRIER of
Skowhegan, SAMPSON of Alfred, SMITH of Palermo.

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

2 **Sec. 1. 21-A MRSA §1, sub-§27-C**, as repealed and replaced by PL 2021, c. 273,
3 §1, is repealed.

4 **Sec. 2. 21-A MRSA §1, sub-§35-A**, as enacted by IB 2015, c. 3, §2, is repealed.

5 **Sec. 3. 21-A MRSA §601, sub-§1**, as amended by PL 2019, c. 320, §2, is further
6 amended to read:

7 **1. Arrangement.** The ballots must be arranged in a manner that is as consistent and
8 uniform as possible throughout the State, ~~except that ranked-choice contests must be~~
9 ~~grouped together and may be presented on the same page of the ballot as contests other~~
10 ~~than ranked-choice contests or on a separate ballot or ballot page from contests other than~~
11 ~~ranked-choice contests.~~

12 **Sec. 4. 21-A MRSA §601, sub-§2, ¶A**, as amended by PL 2019, c. 320, §3, is
13 further amended to read:

14 A. Instructions must be printed on the ballot informing the voter how to designate the
15 voter's choices on the ballot. Specific instructions must be presented above or next to
16 the first contest of each type, such as ~~ranked-choice contests, contests other than~~
17 ~~ranked-choice contests or referenda.~~

18 **Sec. 5. 21-A MRSA §601, sub-§2, ¶J**, as amended by PL 2017, c. 316, §3, is
19 repealed.

20 **Sec. 6. 21-A MRSA §601, sub-§3**, as amended by PL 2021, c. 273, §10, is further
21 amended to read:

22 **3. Order of offices.** The order of offices on the ballot is as follows: President, United
23 States Senator, Governor, Representative to Congress, State Senator and Representative to
24 the Legislature, and the county offices in the following order: judge of probate, register of
25 probate, county treasurer, register of deeds, sheriff, district attorney and county
26 commissioner, ~~except that the order may be modified to allow ranked-choice contests to be~~
27 ~~printed on the opposite side of the ballot, separate from contests other than ranked-choice~~
28 ~~contests.~~

29 **Sec. 7. 21-A MRSA §605-A, sub-§2, ¶A**, as amended by PL 2019, c. 320, §4, is
30 further amended to read:

31 A. The voting instruction poster must include information on how to mark the ballot,
32 including how to mark a write-in vote; how to replace the ballot if the voter makes a
33 mistake; and how to receive assistance in marking the ballot. It may include other
34 voting information. ~~The Secretary of State may design separate instruction posters to~~
35 ~~instruct the voters on how to mark a ballot for elections to be determined by~~
36 ~~ranked-choice voting and those to be determined by plurality.~~

37 **Sec. 8. 21-A MRSA §695, first ¶**, as amended by PL 2017, c. 316, §4, is further
38 amended to read:

39 ~~Except for elections determined by ranked-choice voting, the following provisions~~
40 ~~apply to the counting of ballots.~~ The election clerks shall count the ballots under the
41 supervision of the warden as soon as the polls are closed, except that if, in the opinion of

1 the municipal clerk the public interests will best be served, referendum ballots may be
2 counted on the day immediately following the election, as long as the count is completed
3 within 24 hours after the polls are closed. If referendum ballots are counted under this
4 exception, the municipal clerk is responsible for the security and safekeeping of the ballots
5 until the count has been completed.

6 **Sec. 9. 21-A MRSA §696, sub-§2, ¶A**, as amended by PL 2019, c. 320, §5, is
7 further amended to read:

8 A. ~~Except as provided in section 723-A for elections determined by ranked-choice~~
9 ~~voting, if~~ If a voter marks more names for an office than there are vacancies to be filled
10 or more choices for a question than are permitted, the voter's vote for that office or
11 question may not be counted.

12 **Sec. 10. 21-A MRSA §700**, as amended by PL 2019, c. 320, §6, is further amended
13 to read:

14 **§700. Posting unofficial results**

15 As soon as practicable after the election return is prepared under section 711, if a secure
16 place is available at the voting place or municipal office where the public may view a paper
17 copy of the unofficial election results even when the voting place or municipal office is
18 closed, an election official shall post a paper copy of the unofficial results of the election.
19 ~~For elections determined by ranked-choice voting, an election official shall post a paper~~
20 ~~copy of the results of the first choice votes cast.~~

21 **Sec. 11. 21-A MRSA §711, first ¶**, as amended by PL 2019, c. 320, §7, is further
22 amended to read:

23 As soon as the results of the election have been declared, the election return must be
24 prepared. The warden at each ward or precinct shall fill out the election return form
25 provided by the Secretary of State, showing the number of votes cast for each candidate or
26 question and recording the total number of state ballots cast in that ward or precinct. ~~For~~
27 ~~elections determined by ranked-choice voting, the warden shall report on the election return~~
28 ~~only the first choice votes cast.~~ The warden and one other election official shall sign the
29 return and immediately deliver it to the municipal clerk. The form provided by the
30 Secretary of State must include the names of all candidates, including declared write-in
31 candidates as determined by section 722-A.

32 **Sec. 12. 21-A MRSA §722, sub-§1**, as amended by PL 2019, c. 371, §26, is further
33 amended to read:

34 **1. How tabulated.** The Secretary of State shall tabulate all votes that appear by an
35 election return to have been cast for each question or candidate whose name appeared on
36 the ballot. ~~For elections determined by ranked-choice voting, the Secretary of State shall~~
37 ~~tabulate the votes according to the ranked-choice voting method described in section~~
38 ~~723-A.~~ The Secretary of State shall tabulate the votes that appear by an election return to
39 have been cast for a declared write-in candidate pursuant to section 722-A.

40 **Sec. 13. 21-A MRSA §723, sub-§1**, as amended by PL 2019, c. 320, §8, is further
41 amended to read:

42 **1. Primary election.** In a primary election, the person who receives a plurality of the
43 votes cast for nomination to any office, as long as there is at least one vote cast for that

1 office, is nominated for that office, except for write-in candidates under paragraph A and
2 elections determined by ranked-choice voting under section 723-A.

3 A. A write-in candidate who complies with section 722-A and who fulfills the other
4 qualifications under section 334 may be nominated at the primary election if that person
5 receives a number of valid write-in votes equal to at least twice the minimum number
6 of signatures required under section 335, subsection 5 on a primary petition for a
7 candidate for that office.

8 B. The Secretary of State shall immediately certify by mail the nomination of each
9 person nominated by the primary election.

10 **Sec. 14. 21-A MRSA §723, sub-§2**, as amended by PL 2017, c. 316, §7, is further
11 amended to read:

12 **2. Other elections.** In any other election ~~except for those determined by ranked-choice~~
13 ~~voting~~, the person who receives a plurality of the votes cast for election to any office, as
14 long as there is at least one vote cast for that office, is elected to that office, except that a
15 write-in candidate must also comply with section 722-A.

16 **Sec. 15. 21-A MRSA §723-A**, as amended by PL 2021, c. 750, §11 and affected by
17 §14, is repealed.

18 **Sec. 16. 21-A MRSA §737-A, 3rd ¶**, as amended by PL 2019, c. 320, §16, is
19 further amended to read:

20 A candidate who is the apparent loser and who desires a recount must file with the
21 Secretary of State a written request for a recount within 5 business days after the election,
22 ~~except that in an election determined by ranked-choice voting, only a candidate who~~
23 ~~received one of the top 3 rankings at the end of the penultimate round of ranked-choice~~
24 ~~counting may request a recount.~~ The recount is held under the supervision of the Secretary
25 of State, who shall allow the candidate's representatives or counsel to recount the ballots.
26 The candidate may not act as a counter of ballots.

27 **Sec. 17. 21-A MRSA §801, sub-§2**, as enacted by PL 2019, c. 539, §4, is repealed.

28 **Sec. 18. 21-A MRSA §803**, as amended by PL 2021, c. 273, §29, is further amended
29 to read:

30 **§803. Duties of Governor**

31 As soon as possible after the presidential electors are chosen, the Governor shall send
32 a certificate of the determination of the electors to the Archivist of the United States under
33 the state seal. The certificate must state the names of the electors and the number of votes
34 each candidate for President received statewide and for each congressional district ~~in the~~
35 ~~final round of tabulation under section 723-A.~~ The Governor shall deliver 6 certificates
36 under the state seal to the electors on or before the first Monday after the 2nd Wednesday
37 of December, following their election.

38 **Sec. 19. 21-A MRSA §805, sub-§2**, as amended by PL 2019, c. 539, §5, is further
39 amended to read:

40 **2. Presidential electors.** The presidential electors at large shall cast their ballots for
41 the presidential and vice-presidential candidates who received the largest number of votes
42 in the State according to the ranked-choice method of counting votes described in section

1 ~~723-A.~~ The presidential electors of each congressional district shall cast their ballots for
2 the presidential and vice-presidential candidates who received the largest number of votes
3 in each respective congressional district ~~according to the ranked-choice method of counting~~
4 ~~votes described in section 723-A.~~

5

SUMMARY

6

This bill repeals the laws governing ranked-choice voting.