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VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE

SENATE

130TH LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to S.P. 91, L.D. 202, “RESOLUTION, Proposing an Amendment to the Constitution of Maine To Implement Ranked-choice Voting”

Amend the resolution by striking out everything after the title and inserting the following:

'Constitutional amendment. Resolved: Two thirds of each branch of the Legislature concurring, that the following amendment to the Constitution of Maine be proposed:

Constitution, Art. IV, Pt. First, §5 is amended to read:

Section 5. Election of Representatives; lists records and tabulation of votes delivered forthwith; lists of votes tabulation examined by Governor; summons of persons who appear to be elected; lists tabulation shall be laid before the House. The meetings within this State for the choice of Representatives shall be warned in due course of law by qualified officials of the several towns and cities 7 days at least before the election, and the election officials of the various towns and cities shall preside impartially at such meetings; and receive the votes of all the qualified electors, which votes must involve in any election involving 3 or more candidates the ranking of candidates in order of preference according to the procedure established by law. Those officials shall form a record of all votes received, shall sort, count and declare them the votes for each candidate, or the first-choice votes for each candidate if the electors rank candidates in order of preference, in open meeting; and shall form a list of the ~~persons~~ candidates voted for ~~shall be formed,~~ with the number of votes or first-choice votes for each ~~person~~ candidate against that ~~person's~~ candidate's name. Cities and towns belonging to any Representative District shall hold their meetings at the same time in the respective cities and towns; and such meetings shall be notified, held and regulated, the votes received, sorted, counted and declared in the same manner. Fair copies of the lists of votes or first-choice votes shall be attested by the municipal officers and the clerks of the cities and towns and the city and town clerks respectively shall cause the same to be delivered into the office of the Secretary

COMMITTEE AMENDMENT

1 of State, together with such other attested records of the vote as may be required. The
2 Secretary of State shall tabulate the votes forthwith. If the electors rank candidates in order
3 of preference, the tabulation must occur in rounds according to the procedure established
4 by law. The Governor shall examine the returned copies of such lists tabulation and, 7 days
5 before the first Wednesday of December biennially, shall issue a summons to such persons
6 as shall appear to have been elected by a plurality majority of all votes returned or, if the
7 electors rank candidates in order of preference, a majority of all votes in the final round of
8 tabulation, to attend and take their seats. All such lists The tabulation shall be laid before
9 the House of Representatives on the first Wednesday of December biennially, and they
10 shall finally determine who are elected.

11 **Constitution, Art. IV, Pt. Second, §§3, 4 and 5** are amended to read:

12 **Section 3. Election of Senators; lists records and tabulation of votes**
13 **delivered forthwith.** The meetings within this State for the election of Senators shall be
14 notified, held and regulated and the votes received, sorted, counted, declared and recorded,
15 in the same manner as those for Representatives. Fair copies of the lists of votes or, if the
16 electors rank candidates in order of preference, lists of first-choice votes shall be attested
17 by the clerks of the cities and towns or other duly authorized officials and sealed up in open
18 meetings and such officials shall cause said lists to be delivered into the office of the
19 Secretary of State, together with such other attested records of the vote as may be required.
20 The Secretary of State shall tabulate the votes forthwith in the same manner as votes for
21 Representatives.

22 **Section 4. ~~Lists of votes~~ Tabulation examined by Governor; summons to**
23 **persons who appear to be elected.** The Governor shall, as soon as may be, examine
24 the ~~copies of such lists, tabulation~~ and, at least 7 days before the said first Wednesday of
25 December, issue a summons to such persons, as shall appear to be elected by a ~~plurality~~
26 majority of the votes or, if the electors rank candidates in order of preference, a majority of
27 all votes in the final round of tabulation in each senatorial district, to attend that day and
28 take their seats.

29 **Section 5. Determination of Senators elected; procedure for filling**
30 **vacancies.** The Senate shall, on said first Wednesday of December, biennially determine
31 who is elected by a ~~plurality~~ majority of votes or, if the electors rank candidates in order of
32 preference, a majority of all votes in the final round of tabulation to be Senator in each
33 district. All vacancies in the Senate arising from death, resignation, removal from the State
34 or like causes, ~~and also vacancies, if any, which may occur because of the failure of any~~
35 ~~district to elect by a plurality of votes the Senator to which said district shall be entitled~~
36 shall be filled by an immediate election in the unrepresented district. The Governor shall
37 issue a proclamation therefor and therein fix the time of such election.

38 **Constitution, Art. V, Pt. First, §3** is amended to read:

39 **Section 3. Election; records and tabulation of votes ~~to be returned~~**
40 **delivered forthwith to Secretary of State; Secretary of State to lay lists**
41 **tabulation before the Senate and House of Representatives; provision in case**
42 **of tie.** The meetings for election of Governor shall be notified, held and regulated and
43 votes shall be received, sorted, counted and declared and recorded, in the same manner as
44 those for Senators and Representatives. Copies of lists of votes or, if the electors rank

1 candidates in order of preference, lists of first-choice votes together with such other attested
2 records of the vote as may be required shall be sealed and returned to the secretary's office
3 in the same manner and at the same time as those for Senators and Representatives. The
4 Secretary of State for the time being shall tabulate the votes in the same manner as those
5 for Senators and Representatives and, on the first Wednesday after the first Tuesday of
6 January then next, the Secretary of State shall lay the lists returned to the secretary's office
7 tabulation before the Senate and House of Representatives to be by them examined,
8 together with the ballots or attested records of ballots cast if they so elect, and they shall
9 determine the number of votes duly cast for the office of Governor, and in case of a choice
10 by plurality of all of the votes returned they. The Senate and House of Representatives
11 shall declare and publish the same name of the person having a majority of votes or, if the
12 electors rank candidates in order of preference, the person having a majority of votes in the
13 final round of tabulation. If there shall be the tabulation results in a tie between the 2
14 persons having the largest number of votes for Governor, the House of Representatives and
15 the Senate meeting in joint session, and each member of said bodies having a single vote,
16 shall elect one of said the 2 persons having so received an equal number of votes and the
17 person so elected by the Senate and House of Representatives shall be declared the
18 Governor.

19 **Constitutional referendum procedure; form of question; effective date.**

20 **Resolved:** That the municipal officers of this State shall notify the inhabitants of their
21 respective cities, towns and plantations to meet, in the manner prescribed by law for holding
22 a statewide election, at a statewide election held in the month of November following the
23 passage of this resolution, to vote upon the ratification of the amendment proposed in this
24 resolution by voting upon the following question:

25 "Do you favor amending the Constitution of Maine to require candidates
26 for the political offices of Governor, State Senator and State
27 Representative to be elected by a majority of the votes cast for that office?"

28 The legal voters of each city, town and plantation shall vote by ballot on this question
29 and designate their choice by a cross or check mark placed within the corresponding square
30 below the word "Yes" or "No." The ballots must be received, sorted, counted and declared
31 in open ward, town and plantation meetings and returns made to the Secretary of State in
32 the same manner as votes for members of the Legislature. The Governor shall review the
33 returns. If it appears that a majority of the legal votes are cast in favor of the amendment,
34 the Governor shall proclaim that fact without delay and the amendment becomes part of
35 the Constitution of Maine on the date of the proclamation.

36 **Secretary of State shall prepare ballots. Resolved:** That the Secretary of State
37 shall prepare and furnish to each city, town and plantation all ballots, returns and copies of
38 this resolution necessary to carry out the purposes of this referendum.'

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

41 **SUMMARY**

42 This amendment, which is the majority report of the committee, proposes to amend the
43 Constitution of Maine to apply ranked-choice voting to general elections for the political
44 offices of Governor, State Senator and State Representative.