



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1083

S.P. 315

In Senate, March 5, 2019

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**An Act To Implement Ranked-choice Voting for Presidential  
Primary and General Elections in Maine**

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by President JACKSON of Aroostook.  
Cosponsored by Representative WARREN of Hallowell and  
Senators: BELLOWS of Kennebec, BREEN of Cumberland, CHENETTE of York,  
GRATWICK of Penobscot, MILLETT of Cumberland, MIRAMANT of Knox, VITELLI of  
Sagadahoc, Representative: GROHOSKI of Ellsworth.

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

2 **Sec. 1. 21-A MRSA §1, sub-§27-C, ¶C** is enacted to read:

3 C. Primary elections for the office of President of the United States and general  
4 elections for presidential electors.

5 **Sec. 2. 21-A MRSA §335, sub-§5, ¶B-3** is enacted to read:

6 B-3. For a candidate for the office of President of the United States, at least 2,000  
7 and not more than 3,000 voters;

8 **Sec. 3. 21-A MRSA §335, sub-§6**, as amended by PL 2015, c. 474, §2, is further  
9 amended to read:

10 **6. When signed.** Except as provided in subchapter 7 8, a petition may not be signed  
11 before January 1st of the election year in which it is to be used.

12 **Sec. 4. 21-A MRSA §335, sub-§8**, as amended by PL 2015, c. 474, §3, is further  
13 amended to read:

14 **8. When filed.** Except as provided in subchapter 7 8, a primary petition must be  
15 filed in the office of the Secretary of State before 5 p.m. on March 15th of the election  
16 year in which it is to be used.

17 **Sec. 5. 21-A MRSA c. 5, sub-c. 8** is enacted to read:

18 **SUBCHAPTER 8**

19 **PRESIDENTIAL PRIMARY ELECTIONS**

20 **§441. Determination and date of primary; voter eligibility**

21 **1. Determination of primary.** When the state committee of a party certifies that  
22 there is a contest among candidates for nomination as the presidential candidate of the  
23 party and that the committee has voted to conduct a presidential primary election, the  
24 State shall hold a presidential primary election.

25 **2. Date of primary.** A presidential primary election held pursuant to subsection 1  
26 must be held on a date in March of the presidential election year chosen by the Secretary  
27 of State. The Secretary of State shall consult with each party that has made a certification  
28 pursuant to subsection 1 prior to selecting the date for the presidential primary election.

29 **3. Eligible voter.** Notwithstanding section 340, subsection 1, only a voter who is  
30 enrolled in a party may vote in the party's presidential primary election.

1           **§442. Party certification**

2           The state committee of a party shall file the certification described in section 441,  
3 subsection 1 with the Secretary of State by December 1st of the year prior to the  
4 presidential election year. This certification must contain:

5           **1. Statement of contest.** A statement that there is a contest among candidates for  
6 nomination as the presidential candidate of the party;

7           **2. Identification of contestants.** Identification of at least 2 candidates who have  
8 declared as contestants for nomination as the presidential candidate of the party; and

9           **3. Statement of committee vote.** A statement that the state committee has voted to  
10 conduct a presidential primary election.

11           **§443. Petitions**

12           On or before July 1st of the year prior to a presidential election year, the Secretary of  
13 State shall prepare and make available petitions for circulation by a person desiring to be  
14 a contestant in the state presidential primary election of any party. This petition must be  
15 completed and filed at least 45 days before the primary election in the manner provided in  
16 sections 335 and 336.

17           **§444. Ballot preparation; candidate eligibility**

18           The Secretary of State shall prepare ballots for a presidential primary election under  
19 this subchapter in accordance with section 601-B.

20           **1. Petitions.** A ballot must include the name of a person who files with the Secretary  
21 of State a petition in accordance with section 443. The Secretary of State shall determine  
22 if a petition meets the requirements of sections 335, 336 and 443, subject to challenge and  
23 appeal under section 337.

24           **2. Secretary of State determination.** This subsection governs the Secretary of  
25 State's selection of presidential candidates to appear on the ballot.

26           A. A ballot must include the name of a person who is a member of a party that has  
27 qualified under subchapter 1 and who has been determined by the Secretary of State,  
28 in the Secretary of State's sole discretion, to be generally advocated for or recognized  
29 as a presidential candidate of nationwide stature in the national news media  
30 throughout the United States. This subsection may not be construed to include so-  
31 called favorite son candidates whose candidacy may be limited to one state.

32           B. The Secretary of State shall determine which candidates will be placed on the  
33 ballot under this subsection at least 30 days before the ballots are prepared. The  
34 Secretary of State shall promptly notify a person that the person's name will appear  
35 on the ballot and advise that person of the steps under paragraph C that the person  
36 must take if the person does not wish to appear on the ballot.

37           C. A person notified by the Secretary of State under paragraph B may have the  
38 person's name withdrawn from the ballot by filing an affidavit with the Secretary of

1           State in which the person swears an oath that the person requests that the person's  
2           name be withdrawn from the ballot.

3           In order to withdraw a person's name from the ballot, the Secretary of State must  
4           receive the affidavit at least 45 days before the date designated for the presidential  
5           primary election.

6           **§445. Tabulation of ballots; selection of delegates**

7           **1. Tabulation of ballots.** Tabulation of ballots cast in the presidential primary  
8           election for each party must proceed according to the ranked-choice method of tabulating  
9           votes described in section 723-A.

10          **2. Selection of delegates.** If a party chooses to participate in a presidential primary  
11          election under this subchapter, delegates to national presidential nominating conventions  
12          may be selected by the party meeting in convention under subchapter 1, article 3 at any  
13          time after the presidential primary election. Selection and allocation of delegates must be  
14          in accordance with any reasonable procedures established at the state party convention.

15          **§446. Cost**

16          Whenever a municipality complies with the provisions of this subchapter, the State  
17          shall bear the cost incurred.

18          **Sec. 6. 21-A MRSA §601-B** is enacted to read:

19          **§601-B. Presidential primary ballot**

20          The Secretary of State shall prepare presidential primary election ballots in  
21          accordance with section 444 and this section.

22          **1. Arrangement.** The presidential primary election ballot must be arranged in a  
23          manner that is as consistent and uniform as possible throughout the State.

24          **2. Content.** The content of the presidential primary election ballot is governed by  
25          this subsection.

26          A. Instructions must be printed in bold type at the top of the ballot informing the  
27          voter how to designate the voter's choice on the ballot.

28          B. The ballot must contain the name, without any title, and place of residence of each  
29          candidate, arranged alphabetically with the last name first in block capital letters,  
30          followed by the first name and middle name or initial, or followed by the first name  
31          or first initial and the middle name. The name of each candidate may be printed on  
32          the ballot in only one space.

33          C. The ballot must be simple and easy to understand and allow a voter to rank  
34          candidates in order of preference.

35          D. There must be a heading on the ballot that contains the title of the election, the  
36          name of the party, the name of the voting district or districts for which the ballot was  
37          prepared, the date of the election and a facsimile of the state seal.

1 E. At the end of the list of candidates for nomination, there must be printed the word  
2 "uncommitted" in such a way that a voter may rank this preference rather than a listed  
3 candidate.

4 F. There may not be any blank spaces on the ballot where a voter could write in the  
5 name or place a sticker containing the name of any person for whom the voter desires  
6 to vote.

7 **3. Distinctively colored.** The presidential primary election ballots must be printed  
8 separately for each party on paper of a distinctive color, using white for the party that cast  
9 the greatest number of votes for Governor at the last gubernatorial election and yellow for  
10 the party that cast the 2nd highest. The Secretary of State shall choose a distinctive color  
11 for ballots for any other party.

12 **Sec. 7. 21-A MRSA §801, sub-§2** is enacted to read:

13 **2. Tabulation of ballots.** Tabulation of ballots for candidates for President must  
14 proceed according to the ranked-choice method of tabulating votes described in section  
15 723-A.

16 **Sec. 8. 21-A MRSA §803**, as amended by PL 1989, c. 166, §6, is further amended  
17 to read:

18 **§803. Duties of Governor**

19 As soon as possible after the presidential electors are chosen, the Governor shall send  
20 a certificate of the determination of the electors to the Archivist of the United States  
21 under the state seal. The certificate ~~shall~~ must state the names of the electors and the  
22 number of votes ~~which, tabulated according to the ranked-choice method of tabulating~~  
23 votes described in section 723-A, that each received. The Governor shall deliver 6  
24 certificates under the state seal to the electors on or before the first Monday after the 2nd  
25 Wednesday of December, following their election.

26 **Sec. 9. 21-A MRSA §805, sub-§2**, as enacted by PL 1985, c. 161, §6, is amended  
27 to read:

28 **2. Presidential electors.** The presidential electors at large shall cast their ballots for  
29 the presidential and vice-presidential candidates who received the ~~largest number of most~~  
30 votes in the State ~~as determined by the ranked-choice method of tabulating votes~~  
31 described in section 723-A. The presidential electors of each congressional district shall  
32 cast their ballots for the presidential and vice-presidential candidates who received the  
33 ~~largest number of most~~ votes in each respective congressional district ~~as determined by~~  
34 the ranked-choice method of tabulating votes described in section 723-A.

35 **SUMMARY**

36 This bill provides that, whenever the state committee of a qualified political party  
37 certifies that there is a contest among candidates for nomination as the presidential  
38 candidate of the party and that the committee has voted to conduct a presidential primary

1 election, the State shall hold a presidential primary election on a date in March of the  
2 presidential election year chosen by the Secretary of State in consultation with the parties.  
3 Only voters who are enrolled in the party may vote in that party's presidential primary  
4 election. The votes cast in the presidential primary for each party must be tabulated  
5 according to the ranked-choice method of tabulating votes. The selection of delegates to  
6 the national presidential nominating convention for each party and allocation of those  
7 delegates among primary candidates must be in accordance with any reasonable  
8 procedures established at the state party convention.

9 This bill also requires the ballots cast for presidential electors during the general  
10 election to be tabulated according to the ranked-choice method of tabulating votes.