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Date: (Filing No. S-)

VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE

SENATE

132ND LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to S.P. 401, L.D. 911, “An Act to Modify Ranked-choice Voting with Regard to Candidates Who Withdraw from an Election”

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

'An Act to Clarify Procedures for When a Candidate Withdraws from an Election Determined by Ranked-choice Voting or When a Candidate Dies or Becomes Disqualified in an Election Determined by Ranked-choice Voting'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 21-A MRSA §371, sub-§5, as enacted by PL 2019, c. 636, §6, is amended to read:

5. Death or disqualification of candidates less than 70 days before primary election in contested races. The Secretary of State is not required to remove the name of a candidate from the primary election ballot or declare a vacancy if a candidate dies or becomes disqualified less than 70 days before the primary election and another candidate from the same political party will appear on the ballot for that office. Upon receipt of information that the candidate has died or become disqualified, the Secretary of State shall immediately prepare and distribute to the local election officials in the candidate's electoral district a notice informing voters that the candidate has died or become disqualified and that a vote for that candidate will not be counted. The notice must be distributed with all absentee ballots requested after the notice is received by the local election officials and, on election day, must be posted outside the guardrail enclosure in accordance with section 651, subsection 2 and in each voting booth. Notice that the candidate has died or become disqualified must also be posted on the Secretary of State's publicly accessible website. Notwithstanding the provision of section 1, subsection 27-C that describes the minimum number of qualified candidates for an election to be an election determined by ranked-choice voting, if a candidate dies or becomes disqualified less than 70 days before the primary election, the election remains an election determined by ranked-choice voting regardless of the number of remaining qualified candidates. A ranking for a candidate who

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1 has died or become disqualified is considered a ranking only for the purpose of determining
2 whether the ballot is exhausted under section 723-A. A candidate who has died or been
3 disqualified cannot be determined the winner. For the purposes of this subsection,
4 "ranking" has the same meaning as in section 723-A, subsection 1, paragraph I.

5 **Sec. 2. 21-A MRSA §371, sub-§6**, as enacted by PL 2019, c. 636, §6, is amended
6 to read:

7 **6. Withdrawal of candidates less than 70 days before primary election in**
8 **contested and uncontested races.** When a candidate for nomination withdraws less than
9 70 days before the primary election, the candidate's name may not be removed from the
10 primary election ballot and a vacancy may not be declared. Upon receipt of the notice of
11 withdrawal, the Secretary of State shall immediately prepare and distribute to the local
12 election officials in the candidate's electoral district a notice informing voters that the
13 candidate has withdrawn and that a vote for that candidate will not be counted. The notice
14 must be distributed with all absentee ballots requested after the notice is received by the
15 local election officials and, on election day, must be posted outside the guardrail enclosure
16 in accordance with section 651, subsection 2 and in each voting booth. Notice of the late
17 withdrawal must also be posted on the Secretary of State's publicly accessible website.
18 Notwithstanding the provision of section 1, subsection 27-C that describes the minimum
19 number of qualified candidates for an election to be an election determined by ranked-
20 choice voting, if a candidate withdraws less than 70 days before the primary election, the
21 election remains an election determined by ranked-choice voting regardless of the number
22 of remaining qualified candidates. A ranking for a candidate who has withdrawn is
23 considered a ranking only for the purpose of determining whether the ballot is exhausted
24 under section 723-A. A candidate who has withdrawn cannot be determined the winner.
25 For the purposes of this subsection, "ranking" has the same meaning as in section 723-A,
26 subsection 1, paragraph I.

27 **Sec. 3. 21-A MRSA §374-A, sub-§3**, as amended by PL 2019, c. 636, §9, is
28 repealed and the following enacted in its place:

29 **3. Deadline for removal of candidate's name from general election ballot.**
30 Removal of a candidate's name from the general election ballot is determined in accordance
31 with this subsection.

32 A. The name of a candidate for an office on the general election ballot who withdraws
33 for any reason 70 days or more before the general election must be removed from the
34 ballot.

35 B. If a candidate for an office on the general election ballot withdraws less than 70
36 days before the general election and meets the criteria of subsection 1, paragraph B or
37 C, the candidate's name must be removed from the general election ballot in accordance
38 with section 376, subsection 1-A or the general election ballot must be amended or
39 supplemented in accordance with section 604.

40 C. If a candidate for an office on the general election ballot withdraws less than 70
41 days before the general election and does not meet the criteria of subsection 1,
42 paragraph B or C, the candidate's name will not be removed from the ballot, but upon
43 receipt of the notice of withdrawal required by section 367, the Secretary of State shall
44 immediately prepare and distribute to the local election officials in the candidate's
45 electoral district a notice informing voters that the candidate has withdrawn and that a

1 vote for that candidate will not be counted. The notice must be distributed with all
2 absentee ballots requested after the notice is received by the local election officials and,
3 on election day, must be posted outside the guardrail enclosure in accordance with
4 section 651, subsection 2 and in each voting booth. Notice of a candidate's withdrawal
5 less than 70 days before the general election must also be posted on the Secretary of
6 State's publicly accessible website. Notwithstanding the provision of section 1,
7 subsection 27-C that describes the minimum number of qualified candidates for an
8 election to be an election determined by ranked-choice voting, if a candidate withdraws
9 pursuant to this paragraph, the election remains an election determined by ranked-
10 choice voting regardless of the number of remaining qualified candidates. A ranking
11 for a candidate who has withdrawn is considered a ranking only for the purpose of
12 determining whether the ballot is exhausted under section 723-A. A candidate who
13 has withdrawn cannot be determined the winner. For the purposes of this subsection,
14 "ranking" has the same meaning as in section 723-A, subsection 1, paragraph I.'

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

17

SUMMARY

18 This amendment replaces the bill and changes the title. The amendment provides that
19 if a candidate dies or becomes disqualified less than 70 days before a primary election
20 determined by ranked-choice voting or withdraws less than 70 days before a primary or
21 general election determined by ranked-choice voting, the election remains an election
22 determined by ranked-choice voting regardless of the number of remaining qualified
23 candidates. The amendment also specifies that a ranking, which means the number
24 assigned on a ballot by a voter to a candidate to express the voter's preference for that
25 candidate, will only be considered a ranking for the purpose of determining whether the
26 ballot is exhausted for the purposes of the ranked-choice voting count. A candidate who
27 has withdrawn, died or become disqualified cannot be determined the winner of the
28 election.