

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

—
S.P. 401 - L.D. 911

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

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Sec. 1. 21-A MRSA §1, sub-§27-C, as repealed and replaced by PL 2021, c. 273, §1, is amended by enacting at the end a new first blocked paragraph to read:

If one or more of the candidates who have qualified to be listed on the ballot for a particular office in an election determined by ranked-choice voting die, are disqualified or withdraw less than 70 days before the election, the election remains an election determined by ranked-choice voting regardless of the number of remaining candidates.

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

Sec. 3. 21-A MRSA §371, sub-§6, as enacted by PL 2019, c. 636, §6, is amended to read:

6. Withdrawal of candidates less than 70 days before primary election in contested and uncontested races. When a candidate for nomination withdraws less than 70 days before the primary election, the candidate's name may not be removed from the primary election ballot and a vacancy may not be declared. Upon receipt of the notice of withdrawal, 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 withdrawn 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 of the late withdrawal must also be posted on the Secretary of State's publicly accessible website. In an election determined by ranked-choice voting, a ranking for a candidate who has withdrawn is considered a ranking only for the purpose of determining whether the ballot is exhausted under section 723-A. A candidate who has withdrawn cannot be determined the winner. For the purposes of this subsection, "ranking" has the same meaning as in section 723-A, subsection 1, paragraph I.

Sec. 4. 21-A MRSA §374-A, sub-§3, as amended by PL 2019, c. 636, §9, is repealed and the following enacted in its place:

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

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

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

C. If a candidate for an office on the general election ballot withdraws less than 70 days before the general election and does not meet the criteria of subsection 1, paragraph B or C, the candidate's name will not be removed from the ballot, but upon receipt of the notice of withdrawal required by section 367, 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 withdrawn 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 of a candidate's withdrawal less than 70 days before the general election must also be posted on the Secretary of State's publicly accessible website. In an election determined by ranked-choice voting, a ranking for a candidate who has withdrawn is considered a ranking only for the purpose of determining whether the ballot is exhausted under section 723-A. A

candidate who has withdrawn cannot be determined the winner. For the purposes of this subsection, "ranking" has the same meaning as in section 723-A, subsection 1, paragraph I.

Sec. 5. 21-A MRSA §723-A, sub-§1, ¶C, as amended by PL 2023, c. 628, §1, is further amended to read:

C. "Continuing candidate" means a candidate who has not been removed from consideration and is not an excluded candidate.

Sec. 6. 21-A MRSA §723-A, sub-§1, ¶C-1 is enacted to read:

C-1. "Excluded candidate" means a candidate who is listed on the ballot or has qualified as a declared write-in candidate, but has died, been disqualified or withdrawn less than 70 days before the election.

Sec. 7. 21-A MRSA §723-A, sub-§2, as amended by PL 2023, c. 628, §2, is further amended to read:

2. Procedures. Except as provided in subsections 2-A, 3, 4 and 7, the following procedures are used to determine the winner of an election determined by ranked-choice voting. The If a candidate has been assigned ranking number one on more than 50% of all ballots cast for the particular office for which the candidate is running, including but not limited to ballots on which ranking number one is blank, on which there is an overvote at ranking number one or on which ranking number one was assigned to an excluded candidate, that candidate is declared the winner of the election. If no candidate has been assigned ranking number one on more than 50% of the ballots cast for that particular office, the ranked-choice voting count must proceed in rounds. In each round, the number of votes for each continuing candidate must be counted. Each continuing ballot counts as one vote for its highest-ranked continuing candidate for that round. Exhausted ballots are not counted for any continuing candidate. The round then ends with one of the following 2 potential outcomes.

A. If there are 2 or fewer continuing candidates, the candidate with the most votes is declared the winner of the election.

B. If there are more than 2 continuing candidates, the last-place candidate is removed from consideration and a new round begins.

Sec. 8. 21-A MRSA §723-A, sub-§2-A is enacted to read:

2-A. Excluded candidates. In any round of the ranked-choice voting count, a ballot on which an excluded candidate is the highest-ranked candidate must be counted for the next-highest-ranked continuing candidate.