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Resolve, To Authorize a Pilot Project on Ranked Choice Voting

Sec. 1 Definitions. Resolved: That, as used in this resolve, the following terms have the following meanings.

1. Advancing candidate. "Advancing candidate" means a candidate for office who has not been eliminated in a round of tabulation of votes of ranked choice voting.

2. Exhausted ballot. "Exhausted ballot" means a ballot that has no remaining available candidates after a round of tabulation of votes in ranked choice voting.

3. Organized municipality. "Organized municipality" means a town, city or plantation in the State.

4. Project. "Project" means the ranked choice voting pilot project.

5. Ranked choice voting. "Ranked choice voting" means a run-off voting method that produces a majority winner in an election with 3 or more candidates in which the ballot allows a voter, after marking the voter's first choice, to numerically rank the voter's 2nd and subsequent choices in descending order of preference to determine a majority winner when the leading candidate after the initial round of tabulation has not obtained a majority of first-choice votes. In ranked choice voting, when the leading candidate has not obtained a majority of first-choice votes after the initial round of tabulation of votes, a 2nd round of tabulation is held in which the candidate with the smallest number of first-choice votes is eliminated and the ballots are recounted with the next choice of candidate in descending order to the eliminated candidate replacing the eliminated candidate's ranking on each ballot. If the 2nd round of tabulation of votes does not produce a majority winner, then the process is repeated with subsequent rounds of elimination and tabulation until a candidate wins a majority of votes.

6. Selected municipality. "Selected municipality" means an organized municipality selected by the Secretary of State to participate in the project under section 2; and be it further

Sec. 2 Secretary of State to oversee a pilot project to implement ranked choice voting in certain municipal elections. Resolved: That, with the agreement of the election officials of the municipalities, the Secretary of State shall select up to 10 organized municipalities to participate in a ranked choice voting pilot project. Ranked choice voting must be used in all qualifying elections of a selected municipality for a period of 2 years from the effective date of this resolve if the election is:

1. Date. Held on a different date than a statewide or other jurisdictional election;

2. Secret ballot. A secret ballot election; and

3. Candidate. For a local office in which only one candidate is being selected.

The Secretary of State shall consider location and demographic composition in selecting an organized municipality under this section; and be it further

Sec. 3 Ballot specifications. Resolved: That a selected municipality shall use a ranked choice voting ballot provided by the Secretary of State for an election under section 2. A ranked choice ballot may only have one space for a write-in candidate. The Secretary of State shall establish the form, content and terms of use for all documents and instructions for a ranked choice voting ballot and informing a voter of the proper use of the ballot; and be it further

Sec. 4 Ballot counting. Resolved: That a municipal election official of a selected municipality shall count a ranked choice ballot pursuant to the provisions of section 1, subsection 5. A ballot that skips more than one ranking for the first choice in a subsequent tabulation round from the previous tabulation round is deemed exhausted. A ballot with 2 or more first-choice candidates in a tabulation round is deemed exhausted except if only one candidate in that ranking is an advancing candidate for that round. A candidate may be eliminated at the end of a tabulation round if for that round the sum of the total of first-choice votes for the candidate and the total of first-choice votes of any candidate with fewer first-choice votes than the candidate is less than the number of first-choice votes of the candidate with the next greatest number of votes. The Secretary of State shall oversee ballot counting under this section; and be it further

Sec. 5 Effects on political parties. Resolved: That, for the purposes of a constitutional or statutory provision concerning a political party, the number of votes cast for a candidate of a political party in an election is the number of votes cast for that candidate in the first round of ranked choice voting; and be it further

Sec. 6 Rules. Resolved: That the Secretary of State may adopt rules to carry out the purposes of this resolve. Rules adopted pursuant to this section are routine technical rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A; and be it further

Sec. 7 Application. Resolved: That the terms of this resolve replace a conflicting provision of any statute or municipal charter or ordinance concerning the conduct of a municipal election of a selected municipality; and be it further

Sec. 8 Severability clause. Resolved: That the provisions of this resolve are severable and if any provision or application of a provision of this resolve is held to be invalid that invalidity does not affect any other provision or application of this resolve that can be given effect without the invalid provision or application; and be it further

Sec. 9 Report. Resolved: That the Secretary of State shall submit a report concerning the project and any recommended legislation to the joint standing committee of the Legislature having jurisdiction over legal and veterans affairs by December 7, 2011. The committee is authorized to submit legislation related to this report to the Second Regular Session of the 125th Legislature at the time of the submission of the report.

SUMMARY

This resolve establishes a 2-year pilot project overseen by the Secretary of State that involves ranked choice voting to determine a majority winner in municipal elections with 3 or more candidates. The pilot project will involve up to 10 municipalities selected by the Secretary of State to implement ranked choice voting in municipal elections that are held at a different time than a statewide election, are secret ballot

elections and are for offices in which only one candidate is being selected. The ranked choice voting ballot allows the voter to rank in descending order of preference the voter's 2nd and subsequent choices for office after marking the voter's first choice for office. If, after the initial round of voting there is not a majority winner, the candidate with the least amount of votes is eliminated with all choices behind that candidate moved up in preference on each ballot. A 2nd and subsequent rounds of voting are held using this process until a candidate receives a majority of votes for the office. For purposes of the rights of political parties, the amount of votes a candidate of a political party receives in the first round of tabulation is considered the amount of votes that candidate received in the election for that office. This resolve directs the Secretary of State to submit a report concerning the pilot project and any recommended legislation to the 125th Legislature.