

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

**'An Act To Implement Ranked-choice Voting for All State Primary Elections and for General Elections for the Offices of United States Senator and United States Representative to Congress'**

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

**'Sec. 1. 21-A MRSA §1, sub-§27-C**, as enacted by IB 2015, c. 3, §1, is repealed and the following enacted in its place:

**27-C. Elections determined by ranked-choice voting.** "Elections determined by ranked-choice voting" means:

A. Primary elections for the offices of United States Senator, United States Representative to Congress, Governor, State Senator and State Representative;

B. General and special elections for the offices of United States Senator and United States Representative to Congress; and

C. General and special elections for the offices of Governor, State Senator and State Representative.

This paragraph takes effect only if an amendment to the Constitution of Maine, Article IV, Part First, Section 5, Article IV, Part Second, Sections 4 and 5 and Article V, Part First, Section 3 that authorizes the Legislature, by proper enactment, to determine the method by which the Governor and members of the State Senate and House of Representatives are elected is ratified.

**Sec. 2. 21-A MRSA §601, sub-§2, ¶J**, as enacted by IB 2015, c. 3, §3, is amended to read:

J. For ~~offices elected~~elections determined by ranked-choice voting, the ballot must be simple and easy to understand and allow a voter to rank candidates for an office in order of preference. A voter may include no more than one write-in candidate among that voter's ranked choices for each office.

**Sec. 3. 21-A MRSA §695, first ¶**, as amended by PL 2001, c. 516, §10, is further amended to read:

Except for elections determined by ranked-choice voting, the following provisions apply to the counting of ballots. The election clerks shall count the ballots under the supervision of the warden as soon as the polls are closed, except that if, in the opinion of the municipal clerk the public interests will best be served, referendum ballots may be counted on the day immediately following the election, as long as the count is completed within 24 hours after the polls are closed. If referendum ballots are counted under this exception, the municipal clerk is responsible for the security and safekeeping of the ballots until the count has been completed.

**Sec. 4. 21-A MRSA §722, sub-§1**, as amended by PL 2017, c. 141, §2, is further amended to read:

**1. How tabulated.** The Secretary of State shall tabulate all votes that appear by an election return to have been cast for each question or candidate whose name appeared on the ballot. For ~~offices elected~~elections determined by ranked-choice voting, the Secretary of State shall tabulate the votes according to the ranked-choice voting method described in section 723-A. The Secretary of State shall tabulate the votes that appear by an election return to have been cast for a declared write-in candidate based on a recount requested and conducted pursuant to section 737-A, subsection 2-A.

**Sec. 5. 21-A MRSA §723, sub-§1**, as amended by PL 2009, c. 253, §38, is further amended to read:

**1. Primary election.** In a primary election, the person who receives a plurality of the votes cast is determined the winner pursuant to section 723-A for nomination to any office, as long as there is at least one vote cast for that office, is nominated for that office, except for write-in candidates under paragraph A.

A. A write-in candidate who complies with either section 722-A or section 737-A, subsection 2-A and who fulfills the other qualifications under section 334, may be nominated at the primary election if that person receives a number of valid write-in votes equal to at least twice the minimum number of signatures required under section 335, subsection 5, on a primary petition for a candidate for that office.

B. The Secretary of State shall immediately certify by mail the nomination of each person nominated by the primary election.

**Sec. 6. 21-A MRSA §723, sub-§2**, as amended by PL 2009, c. 253, §39, is further amended to read:

**2. Other elections.** In any other election except for those determined by ranked-choice voting, the person who receives a plurality of the votes cast for election to any office, as long as there is at least one vote cast for that office, is elected to that office, except that a write-in candidate must also comply with either section 722-A or section 737-A, subsection 2-A.

**Sec. 7. 21-A MRSA §723-A, sub-§2**, as enacted by IB 2015, c. 3, §5, is amended to read:

**2. Procedures.** Except as provided in subsections 3 and 4, the following procedures are used to determine the winner ~~in of~~ an election ~~for an office elected~~determined by ranked-choice voting. Tabulation 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 defeated and a new round begins.

**Sec. 8. 21-A MRSA §723-A, sub-§5**, as enacted by IB 2015, c. 3, §5, is amended to read:

**5. Effect on rights of political parties.** For all statutory and constitutional provisions in the State pertaining to the rights of political parties, the number of votes cast for a party's candidate for an office elected ~~determined~~ by ranked-choice voting is the number of votes credited to that candidate after the initial counting in the first round described in subsection 2.

**Sec. 9. 21-A MRSA §723-A, sub-§5-A** is enacted to read:

**5-A. Rules.** The Secretary of State shall adopt rules for the proper and efficient administration of elections determined by ranked-choice voting. At a minimum, rules required under this subsection must include procedures, as determined appropriate by the Secretary of State, for requesting and conducting recounts of the results as determined in the rounds of tabulation described in subsection 2. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

**Sec. 10. Appropriations and allocations.** The following appropriations and allocations are made.

**PUBLIC SAFETY, DEPARTMENT OF**

**State Police 0291**

Initiative: Provides funding to implement ranked-choice voting for primary elections and general and special elections for the offices of United States Senator and United States Representative to Congress.

<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
Personal Services	\$63,904	\$63,904
All Other	\$32,864	\$32,864
<b>GENERAL FUND TOTAL</b>	<b>\$96,768</b>	<b>\$96,768</b>

<b>HIGHWAY FUND</b>	<b>2017-18</b>	<b>2018-19</b>
Personal Services	\$34,410	\$34,410
All Other	\$17,696	\$17,696
<b>HIGHWAY FUND TOTAL</b>	<b>\$52,106</b>	<b>\$52,106</b>

<b>PUBLIC SAFETY, DEPARTMENT OF DEPARTMENT TOTALS</b>	<b>2017-18</b>	<b>2018-19</b>
<b>GENERAL FUND</b>	<b>\$96,768</b>	<b>\$96,768</b>
<b>HIGHWAY FUND</b>	<b>\$52,106</b>	<b>\$52,106</b>

<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$148,874</b>	<b>\$148,874</b>
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**SECRETARY OF STATE, DEPARTMENT OF**

**Bureau of Administrative Services and Corporations 0692**

Initiative: Provides funding to implement ranked-choice voting for primary elections and general and special elections for the offices of United States Senator and United States Representative to Congress.

<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
All Other	\$684,790	\$542,440
<b>GENERAL FUND TOTAL</b>	<b>\$684,790</b>	<b>\$542,440</b>

<b>SECRETARY OF STATE, DEPARTMENT OF DEPARTMENT TOTALS GENERAL FUND</b>	<b>2017-18 \$684,790</b>	<b>2018-19 \$542,440</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$684,790</b>	<b>\$542,440</b>

<b>SECTION TOTALS GENERAL FUND HIGHWAY FUND</b>	<b>2017-18 \$781,558 \$52,106</b>	<b>2018-19 \$639,208 \$52,106</b>
<b>SECTION TOTAL - ALL FUNDS</b>	<b>\$833,664</b>	<b>\$691,314</b>

**SUMMARY**

This amendment replaces the bill. This amendment does not affect the use of the ranked-choice voting method for the primary nomination elections to the office of the Governor and to the Legislature. The amendment requires the ratification of an amendment to the Constitution of Maine that approves the use of the ranked-choice voting method for those offices before that method may be used.

This amendment requires the Secretary of State to adopt routine technical rules for the administration of ranked-choice voting, including the administration of recounts.

The amendment also adds an appropriations and allocations section.

**FISCAL NOTE REQUIRED**

SP0578, LD 1625, item 2, 128th Maine State Legislature , Amendment C "B", Filing Number S-303, Sponsored by  
'An Act To Implement Ranked-choice Voting for All State Primary Elections and for General  
Elections for the Offices of United States Senator and United States Representative to Congress'

**(See attached)**