



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1447

H.P. 1059

House of Representatives, April 2, 2019

An Act To Simplify Voting in Maine by Placing a Moratorium on Ranked-choice Voting

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative WHITE of Washburn.
Cosponsored by Senator FARRIN of Somerset and
Representatives: DILLINGHAM of Oxford, FAULKINGHAM of Winter Harbor,
HANINGTON of Lincoln, MARTIN of Greene, STEWART of Presque Isle, STROM of
Pittsfield, Senators: CYRWAY of Kennebec, DAVIS of Piscataquis.

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

2 **Sec. 1. 21-A MRSA §1, sub-§27-C**, as repealed and replaced by PL 2017, c. 316,
3 §1, is amended to read:

4 **27-C. Elections determined by ranked-choice voting.** "Elections determined by
5 ranked-choice voting" means:

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

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

10 This subsection is repealed December 1, 2023 unless, prior to that date, the voters of the
11 State ratify an amendment to the Constitution of Maine, Article IV, Part First, Section 5,
12 Article IV, Part Second, Sections 4 and 5 and Article V, Part First, Section 3 authorizing
13 the Legislature, by proper enactment, to determine the method by which the Governor
14 and members of the State Senate and House of Representatives are elected.

15 **Sec. 2. 21-A MRSA §1, sub-§35-A**, as enacted by IB 2015, c. 3, §2, is amended
16 to read:

17 **35-A. Ranked-choice voting.** "Ranked-choice voting" means the method of casting
18 and tabulating votes in which voters rank candidates in order of preference, tabulation
19 proceeds in sequential rounds in which last-place candidates are defeated and the
20 candidate with the most votes in the final round is elected.

21 This subsection is repealed December 1, 2023 unless, prior to that date, the voters of the
22 State ratify an amendment to the Constitution of Maine, Article IV, Part First, Section 5,
23 Article IV, Part Second, Sections 4 and 5 and Article V, Part First, Section 3 authorizing
24 the Legislature, by proper enactment, to determine the method by which the Governor
25 and members of the State Senate and House of Representatives are elected.

26 **Sec. 3. 21-A MRSA §601, sub-§2, ¶J**, as amended by PL 2017, c. 316, §3, is
27 further amended to read:

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

32 This paragraph is repealed December 1, 2023 unless, prior to that date, the voters of
33 the State ratify an amendment to the Constitution of Maine, Article IV, Part First,
34 Section 5, Article IV, Part Second, Sections 4 and 5 and Article V, Part First, Section
35 3 authorizing the Legislature, by proper enactment, to determine the method by
36 which the Governor and members of the State Senate and House of Representatives
37 are elected.

38 **Sec. 4. 21-A MRSA §723, sub-§1**, as amended by PL 2017, c. 248, §5, is further
39 amended to read:

1 **1. Primary election.** In a primary election held before December 1, 2023, the
2 person who receives a plurality of the votes cast for nomination to any office, as long as
3 there is at least one vote cast for that office, is nominated for that office, except for write-
4 in candidates under paragraph A. In a primary election held on or after December 1,
5 2023, the person who is determined the winner pursuant to section 723-A for nomination
6 to any office, as long as there is at least one vote cast for that office, is nominated for that
7 office, except for write-in candidates under paragraph A.

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

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

15 **Sec. 5. 21-A MRSA §723-A, sub-§6,** as enacted by IB 2015, c. 3, §5, is amended
16 to read:

17 **6. Application.** This section applies to elections held on or after January 1, 2018
18 December 1, 2023.

19 **Sec. 6. 21-A MRSA §723-A, sub-§7** is enacted to read:

20 **7. Contingent repeal.** This section is repealed December 1, 2023 unless, prior to
21 that date, the voters of the State ratify an amendment to the Constitution of Maine, Article
22 IV, Part First, Section 5, Article IV, Part Second, Sections 4 and 5 and Article V, Part
23 First, Section 3 authorizing the Legislature, by proper enactment, to determine the
24 method by which the Governor and members of the State Senate and House of
25 Representatives are elected.

26 **Sec. 7. Contingent legislation.** If the Maine Revised Statutes, Title 21-A, section
27 723-A is repealed pursuant to Title 21-A, section 723-A, subsection 7, the joint standing
28 committee of the Legislature having jurisdiction over election matters shall submit a bill
29 to the Second Regular Session of the 131st Legislature to reflect the repeal of ranked-
30 choice voting provisions found in the Maine Revised Statutes.

31 SUMMARY

32 This bill suspends the use of ranked-choice voting until elections held after December
33 1, 2023. The bill provides that the laws governing ranked-choice voting are repealed
34 December 1, 2023 unless the Constitution of Maine is amended to authorize the
35 Legislature to determine the method by which the Governor and members of the
36 Legislature are elected.