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VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE HOUSE OF REPRESENTATIVES 132ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to H.P. 424, L.D. 656, “An Act to Save Tax Dollars in Maine's Elections by Amending the Laws Governing When a Ranked-choice Voting Count Must Be Conducted”

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

Sec. 1. 21-A MRSA §723-A, sub-§1, ¶A, as repealed by PL 2023, c. 304, Pt. A, §14, is reenacted to read:

A. "Batch elimination" means the simultaneous defeat of multiple candidates for whom it is mathematically impossible to be elected.

Sec. 2. 21-A MRSA §723-A, sub-§1, ¶G-1 is enacted to read:

G-1. "Mathematically impossible to be elected" means:

(1) A candidate cannot be elected because the vote total for the candidate in a round of the ranked-choice voting count plus all votes that could possibly be transferred to the candidate in future rounds of the ranked-choice voting count is not enough to surpass the candidate with the next higher vote total in the round; or

(2) The vote total for a candidate is lower than the vote total for a candidate described in subparagraph (1).

Sec. 3. 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 3, 4 and 7, the following procedures are used to determine the winner of an election determined by ranked-choice voting. 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. If a continuing ballot contains a skipped ranking in that round, the ballot is not counted in that round in the total number of votes cast used to determine the winner of the election. 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. 4. 21-A MRSA §723-A, sub-§4, ¶C is enacted to read:

C. Two or more candidates may be defeated simultaneously by batch elimination in any round.

Sec. 5. 21-A MRSA §723-A, sub-§5-B, as amended by PL 2023, c. 304, Pt. A, §18 and affected by §39, is further amended to read:

5-B. Presidential primary elections; selection of delegates. Notwithstanding any provision of this section to the contrary, for presidential primary elections, batch elimination may not be used for any candidate with more than 100 votes, tabulation must continue until only 2 continuing candidates remain, separate tabulations must be conducted statewide and for each congressional district and selection and allocation of delegates to a party's national presidential nominating convention must be in accordance with any reasonable procedures established at the state party convention, except that unenrolled voters who participate in the party's primary election must be considered members of the party for purposes of allocating delegates.'

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

SUMMARY

This amendment replaces the bill. The amendment reestablishes batch elimination, which is defined as the simultaneous defeat of multiple candidates who cannot be elected because a candidate's vote total in a round of the ranked-choice voting count plus all votes that could possibly be transferred to the candidate in future rounds from candidates with fewer votes or an equal number of votes would not be enough to surpass the candidate with the next higher vote total in the round and any candidates with a lower vote total than the one described. The ranked-choice voting count is permitted to be modified to allow for batch elimination of 2 or more candidates in any round of tabulation, except that in presidential primary elections, batch elimination may not be used for any candidates with more than 100 votes.

The amendment also amends the procedures for the ranked-choice voting count to include that if a continuing ballot contains a skipped ranking in that round, the ballot is not counted in that round in the total number of votes cast used to determine the winner of the election.