

Date: (Filing No. S- )

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**STATE OF MAINE**  
**SENATE**  
**132ND LEGISLATURE**  
**FIRST SPECIAL SESSION**

SENATE AMENDMENT “ ” to COMMITTEE AMENDMENT “A” to S.P. 401,  
L.D. 911, “An Act to Modify Ranked-choice Voting with Regard to Candidates Who  
Withdraw from an Election”

Amend the amendment by inserting before section 1 the following:

**'Sec. 1. 21-A MRSA §1, sub-§27-C,** as repealed and replaced by PL 2021, c. 273,  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.'

Amend the amendment in section 1 in subsection 5 in the 14th to 18th lines (page 1,  
lines 32 to 36 in amendment) by striking out the following: "Notwithstanding the provision  
of section 1, subsection 27-C that describes the minimum number of qualified candidates  
for an election to be an election determined by ranked-choice voting, if a candidate dies or  
becomes disqualified less than 70 days before the primary election, the election remains an  
election determined by ranked-choice voting regardless of the number of remaining  
qualified candidates. A" and inserting the following: 'In an election determined by ranked-  
choice voting, a'

Amend the amendment in section 2 in subsection 6 in the 12th to 16th lines (page 2,  
lines 18 to 22 in amendment) by striking out the following: "Notwithstanding the provision  
of section 1, subsection 27-C that describes the minimum number of qualified candidates  
for an election to be an election determined by ranked-choice voting, if a candidate  
withdraws less than 70 days before the primary election, the election remains an election  
determined by ranked-choice voting regardless of the number of remaining qualified  
candidates. A" and inserting the following: 'In an election determined by ranked-choice  
voting, a'

Amend the amendment in section 3 in subsection 3 in paragraph C in the 12th to 16th  
lines (page 3, lines 6 to 10 in amendment) by striking out the following: "Notwithstanding  
the provision of section 1, subsection 27-C that describes the minimum number of qualified  
candidates for an election to be an election determined by ranked-choice voting, if a  
candidate withdraws pursuant to this paragraph, the election remains an election

determined by ranked-choice voting regardless of the number of remaining qualified candidates. A" and inserting the following: 'In an election determined by ranked-choice voting, a'

Amend the amendment by inserting after section 3 the following:

**'Sec. 4. 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. 5. 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. 6. 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. 7. 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.'

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

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**SUMMARY**

This amendment clarifies when an election remains an election determined by ranked-choice voting if a candidate dies, is disqualified or withdraws less than 70 days before an election and clarifies the ranked-choice voting count procedures in these instances.

**SPONSORED BY:** \_\_\_\_\_  
**(Senator HICKMAN, C.)**  
**COUNTY:** Kennebec