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**JOINT STANDING COMMITTEE ON VETERANS AND LEGAL AFFAIRS**

Testimony of Shenna Bellows, Secretary of State  
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Testifying neither for nor against

L.D. 911 “An Act to Modify Ranked-choice Voting with Regard to Candidates Who Withdraw from an Election”

Senator Hickman, Representative Supica and Members of the Joint Standing Committee on Veterans and Legal Affairs, my name is Shenna Bellows, I live in Manchester, and I am the Secretary of State. I am speaking today neither for nor against L.D. 911.

We share Sen. Tipping’s goal of ensuring that when voters receive a ballot with a ranked-choice race on it, the race remains a ranked-choice race even if one or more candidates withdraw from the election or pass away, leaving fewer than three candidates or declared write-in candidates running.

While such an instance may seem far-fetched, it was a real situation last year. In one legislative primary, there were three candidates running when ballots went to print. By definition, in Maine election law (Title 21-A, Section 1, Subsection 27-C) such an election with that many candidates is an election determined by ranked-choice voting. At nearly the last moment (Monday, June 10 ahead of the Tuesday, June 11 primary) one of the candidates withdrew from the race. This was several weeks after ballots had gone to print, and after about 180 voters had already returned their ballots.

With this withdrawal, the race, by definition, became a plurality election, and only the first rankings for the other two candidates would be counted on Election Night. The second rankings of voters who ranked the withdrawn candidate first would not be considered. First-round votes for the withdrawn candidates were treated as blanks. This did not feel in the spirit of ranked-choice voting, but it is what the law required.

L.D. 911 attempts to fix that, though with language that is unworkable because it does not address the issue of the race no longer being a ranked-choice election when there are only two candidates still running. Instead, we suggest the following language, which has also been included in our Department bill:

**Sec. 1. 21-A MRSA §371, sub-5** is amended to read:

**5. Death or disqualification of candidates less than 70 days before primary election in contested races.** The Secretary of State is not required to remove the name of a candidate from the primary election ballot or declare a vacancy if a candidate dies or becomes disqualified less than 70 days before the primary election and another candidate from the same political party will appear on the ballot for that office. Upon receipt of information that the candidate has died or become disqualified, the Secretary of State shall immediately prepare and distribute to the local election officials in the candidate's electoral district a notice informing voters that the candidate has died or become disqualified and that a vote for that candidate will not be counted. The notice must be distributed with all absentee ballots requested after the notice is received by the local election officials and, on election day, must be posted outside the guardrail enclosure in accordance with section 651, subsection 2 and in each voting booth. Notice that the candidate has died or become disqualified must also be posted on the Secretary of State's publicly accessible website. If the death or disqualification occurs in an election determined by ranked choice voting, the election remains an election determined by ranked choice voting regardless of the number of remaining candidates, and a ranking for the deceased or disqualified candidate is not counted but is considered a vote for a candidate for the purpose of determining whether the ballot is exhausted under section 723-A.

**Sec. 2. 21-A MRSA §371, sub-6** is amended to read:

**6. Withdrawal of candidates less than 70 days before primary election in contested and uncontested races.** When a candidate for nomination withdraws less than 70 days before the primary election, the candidate's name may not be removed from the primary election ballot and a vacancy may not be declared. Upon receipt of the notice of withdrawal, the Secretary of State shall immediately prepare and distribute to the local election officials in the candidate's electoral district a notice informing voters that the candidate has withdrawn and that a vote for that candidate will not be counted. The notice must be distributed with all absentee ballots requested after the notice is received by the local election officials and, on election day, must be posted outside the guardrail enclosure in accordance with section 651, subsection 2 and in each voting booth. Notice of the late withdrawal must also be posted on the Secretary of State's publicly accessible website. If the withdrawal occurs in an election determined by ranked choice voting, the election remains an election determined by ranked choice voting regardless of the number of remaining candidates, and a ranking for the withdrawn candidate is not counted but is considered a vote for a candidate for the purpose of determining whether the ballot is exhausted under section 723-A.

**Sec. 3. 21-A MRSA §374-A, sub-3** is amended to read:

**3. Deadline for removal of candidate's name from general election ballot.** Removal of a candidate's name from the ballot is governed by the following provisions:

A. The name of a candidate for an office on the general election ballot who withdraws for any reason 70 days or more before the general election must be removed from the ballot.

B. If a candidate for an office on the general election ballot withdraws less than 70 days before the general election and meets the criteria of subsection 1, paragraph B or C, the

candidate's name must be removed from the general election ballot in accordance with section 376 or the general election ballot must be amended or supplemented in accordance with section 604.

C. If a candidate for an office on the general election ballot withdraws less than 70 days before the general election and does not meet the criteria of subsection 1, paragraph B or C, the candidate's name will not be removed from the ballot, but upon receipt of the notice of withdrawal required by section 367, the Secretary of State shall immediately prepare and distribute to the local election officials in the candidate's electoral district a notice informing voters that the candidate has withdrawn and that a vote for that candidate will not be counted. The notice must be distributed with all absentee ballots requested after the notice is received by the local election officials and, on election day, must be posted outside the guardrail enclosure in accordance with section 651, subsection 2 and in each voting booth. Notice of a candidate's withdrawal less than 70 days before the general election must also be posted on the Secretary of State's publicly accessible website. If the withdrawal occurs in an election determined by ranked choice voting, the election remains an election determined by ranked choice voting regardless of the number of remaining candidates, and a ranking for the withdrawn candidate is not counted but is considered a vote for a candidate for the purpose of determining whether the ballot is exhausted under section 723-A.

Were these provisions in place last year, those second rankings would have been considered in the vote totals of the remaining two candidates. Thankfully, the number of blanks (some of which may have been votes for the withdrawn candidate) were only 63 and the difference between the two remaining candidates was larger than that (117) so the withdrawal did not have a determinative impact on this race, but the same may not be true, should this happen again in the future.

In conclusion, I reiterate that we support the goal of L.D. 911, but find the current language to be the wrong way to solve the issue at hand. We encourage amending the bill to instead include the language proposed here. Thank you for the opportunity to testify. I am happy to answer any questions you may have.