



TO: The Honorable Craig Hickman  
The Honorable Laura Supica, Co-Chairs  
Members of the Joint Standing Committee on Veterans and Legal Affairs

DATE: March 17, 2025

RE: LD 911 - An Act to Modify Ranked-choice Voting with Regard to Candidates Who  
Withdraw from an Election

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Good morning Senator Hickman, Representative Supica, and members of the Joint Standing Committee on Veterans and Legal Affairs,

My name is Al Cleveland. I am here today as the Advocacy Director of the League of Women Voters of Maine. I'm here to testify in support of LD 911 and the amendment presented by the sponsor.

The League of Women Voters of Maine is a nonpartisan political organization that has been defending democracy for over 100 years. Through a process of member engagement and consensus, we adopted a position in support of Ranked Choice Voting, and we have been among its leading proponents in Maine for over a decade.

We agree with the sponsor that there should be no confusion: in ranked choice contests where one candidate withdraws after the ballots are printed, ballot preferences for that withdrawn candidate should be transferred during an RCV count to the next-most preferred candidate on those ballots. This provision should also apply to a candidate who dies or is disqualified. We understand that there has been confusion on this point, and we support this proposal to eliminate any possible misunderstanding. In our view, whether a contest will be decided by RCV is decided 70 days before the election when candidate qualifications are finalized and ballot layout is determined<sup>1</sup>. Once a candidate "qualifie[s] to be listed on the ballot," that cannot be

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<sup>1</sup> Title 21-A §1. Definitions (27-C) (emphasis added)

27-C. Elections determined by ranked-choice voting. "Elections determined by ranked-choice voting" means any of the following **elections in which 3 or more candidates have qualified to be listed on the ballot for a particular office** or at least 2 such candidates plus one or more declared write-in candidates have qualified for that particular office:

- A. Primary elections for the offices of United States Senator, United States Representative to Congress, Governor, State Senator and State Representative; [PL 2021, c. 273, §1 (RPR).]
- B. General and special elections for the offices of United States Senator and United States Representative to Congress; [PL 2021, c. 273, §1 (RPR).]
- D. General elections for presidential electors; and [PL 2021, c. 273, §1 (RPR).]
- E. Primary elections for the office of President of the United States. [PL 2021, c. 273, §1 (RPR).]

undone by withdrawal, death, or disqualification. That candidate will appear on the ballot. When three or more candidates appear on the ballot for one office, that election must be determined by RCV. The determination of whether a particular election is to be determined by RCV is thus made when the ballot is printed with three or more candidates listed (which might include a line for a declared write-in), and it cannot be subsequently undone, even if one or more candidates is later disqualified or withdraws. A voter who is presented with an RCV ballot is voting in an RCV election — and is entitled to an RCV count. This interpretation honors the clearly discernible intent of voters and avoids wreaking havoc on the election outcome.

Any other interpretation could result in unequal treatment for voters who have used their RCV ballot to rank a withdrawn candidate first. In an election where the RCV ballot had only three candidates, if one withdrew, leaving only two candidates, determining the race by simple plurality between the remaining two would mean that those voters' second choices would not count. In an election where the RCV ballot had four or more candidates and one withdrew, those voters' second choices would count. This bill clarifies the RCV process to make sure ballot preference in a three candidate race, with one candidate withdrawing, count.

Maine allows – and we support – one shortcut: when one candidate has an insurmountable advantage of first-choice rankings such that there is no mathematical possibility of any other candidate catching up, the secretary of state is permitted to declare the winner without an RCV tabulation. That happened this year in the race for U.S. Senate that Angus King won outright. But determining that majority must be based on the total number of ballots in play (including those ballots that ranked the withdrawn candidate first) – not just on the total number of ballots cast for the two leading candidates. The amended language presented by the sponsor (and also attached) clarifies that.

We urge you to support LD 911 as amended. Every vote counts.

## §1. Definitions

As used in this Title, unless the context otherwise indicates, the following terms have the following meanings.

**27-C. Elections determined by ranked-choice voting.** "Elections determined by ranked-choice voting" means any of the following elections in which 3 or more candidates are have qualified to be listed on the ballot for a particular office or at least 2 such candidates plus one or more declared write-in candidates have qualified for that particular office, even if one or more of these candidates dies, is disqualified or withdraws after the ballots have been printed:

- A. Primary elections for the offices of United States Senator, United States Representative to Congress, Governor, State Senator and State Representative; [PL 2021, c. 273, §1 (RPR).]
- B. General and special elections for the offices of United States Senator and United States Representative to Congress; [PL 2021, c. 273, §1 (RPR).]
- D. General elections for presidential electors; and [PL 2021, c. 273, §1 (RPR).]
- E. Primary elections for the office of President of the United States. [PL 2021, c. 273, §1 (RPR).]

## §723-A. Determination of winner in election for an office elected by ranked-choice voting (CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

- A. [PL 2023, c. 304, Pt. A, §14 (RP).]
- B. "Continuing ballot" means a ballot that is not an exhausted ballot. [IB 2015, c. 3, §5 (NEW).]
- C. "Continuing candidate" means a candidate who has not been defeated or excluded. [IB 2015, c. 3, §5 (NEW).]
- C-1. "Excluded candidate" means any candidate who is listed on the ballot or who has qualified as a declared write-in candidate, but who has died, been disqualified, or withdrawn after the ballots have been printed.
- D. "Exhausted ballot" means a ballot that does not rank any continuing candidate, contains an overvote at the highest continuing ranking or contains 2 or more sequential skipped rankings before its highest continuing ranking. [IB 2015, c. 3, §5 (NEW).]
- E. "Highest continuing ranking" means the highest ranking on a voter's ballot for a continuing candidate. [IB 2015, c. 3, §5 (NEW).]
- F. "Last-place candidate" means the candidate with the fewest votes in a round of the ranked-choice voting count. [PL 2019, c. 320, §9 (AMD).]
- G. [PL 2023, c. 304, Pt. A, §15 (RP).]

H. "Overvote" means a circumstance in which a voter has ranked more than one candidate at the same ranking. [IB 2015, c. 3, §5 (NEW).]

H-1. "Ranked-choice voting count" means the ranked-choice counting process described in this section and in rules adopted by the Secretary of State. [PL 2019, c. 320, §10 (NEW).]

I. "Ranking" means the number assigned on a ballot by a voter to a candidate to express the voter's preference for that candidate. Ranking number one is the highest ranking, ranking number 2 is the next-highest ranking and so on. [IB 2015, c. 3, §5 (NEW).]

J. "Round" means an instance of the sequence of vote counting steps established in subsection 2 and in rules adopted by the Secretary of State. [PL 2019, c. 320, §11 (AMD).]

K. "Skipped ranking" means a circumstance in which a voter has left a ranking blank and ranks a candidate at a subsequent ranking. [IB 2015, c. 3, §5 (NEW).]  
[PL 2023, c. 304, Pt. A, §§14, 15 (AMD).]

**2. Procedures.** Except as provided in subsections 2-A, 3 and 4, 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. 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. [IB 2015, c. 3, §5 (NEW).]

B. If there are more than 2 continuing candidates, the last-place candidate is defeated and a new round begins. [IB 2015, c. 3, §5 (NEW).]  
[PL 2019, c. 320, §12 (AMD).]

**2-A. Excluded candidates.** In any round, including the first round, a ballot on which an excluded candidate is highest-ranked must be counted for the next highest-ranked continuing candidate.

**3. Ties.** A tie under this section between last-place candidates in any round must be decided by lot, and the candidate chosen by lot is defeated. The result of the tie resolution must be recorded and reused in the event of a recount. A tie between candidates for the most votes in the final round must be decided as provided in section 732.  
[PL 2019, c. 320, §13 (AMD).]

**4. Modification of ranked-choice voting ballot and ranked-choice voting count.** Modification of a ranked-choice voting ballot and ranked-choice voting count is permitted in accordance with the following.

A. The number of allowable rankings may be limited to no fewer than 5. [PL 2019, c. 320, §14 (AMD).]

B. A candidate may be declared the winner of the election without a ranked-choice voting count only if that candidate has been assigned ranking number one on more than 50% of all ballots cast, including but not limited to ballots on which ranking number one is blank, an overvote, or assigned to an excluded candidate.

[PL 2023, c. 304, Pt. A, §16 (RP).] [PL 2023, c. 304, Pt. A, §16 (AMD).]

**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 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.

[PL 2017, c. 316, §9 (AMD).]

**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 counting described in subsection 2. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

[PL 2019, c. 320, §15 (AMD).]

**5-B. (TEXT EFFECTIVE UNTIL 1/01/24) Presidential primary elections; selection of delegates.** Notwithstanding any provision of this section to the contrary, for presidential primary elections, 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.

[PL 2023, c. 304, Pt. A, §17 (AMD).]

**5-B. (TEXT EFFECTIVE 1/01/24) Presidential primary elections; selection of delegates.** Notwithstanding any provision of this section to the contrary, for presidential primary elections, 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.

[PL 2023, c. 304, Pt. A, §18 (AMD); PL 2023, c. 304, Pt. A, §39 (AFF).]

**5-C. Cast vote record posted.** The Secretary of State shall post the complete cast vote record on its publicly accessible website as soon as the certified results are reported.

[PL 2023, c. 304, Pt. A, §19 (NEW).]

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

[IB 2015, c. 3, §5 (NEW).]

#### SECTION HISTORY

IB 2015, c. 3, §5 (NEW). PL 2017, c. 316, §§8-10 (AMD). PL 2019, c. 320, §§9-15 (AMD). PL 2019, c. 539, §3 (AMD). PL 2019, c. 539, §6 (AFF). PL 2021, c. 273, §11 (AMD). PL 2021, c. 750, §11 (AMD). PL 2021, c. 750, §14 (AFF). PL 2023, c. 304, Pt. A, §§14-19 (AMD). PL 2023, c. 304, Pt. A, §39 (AFF).

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