

Sponsor's Proposed Amendment to LD 202 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Implement Ranked-choice Voting

Stakeholder Group:

- Senator Miramant, Sponsor
- John Brautigam, League of Women Voters
- Will Hayward, League of Women Voters
- Michael Saxl, Represent Us

Staff who were consulted:

- Jonathan Bolton, Attorney General's Office
- Joann Bautista, Secretary of State's Office
- Janet Stocco, OPLA

Constitutional amendment. Resolved: Two thirds of each branch of the Legislature concurring, that the following amendment to the Constitution of Maine be proposed:

Constitution, Art. IV, Pt. First, §5 is amended to read:

Section 5. Election of Representatives; ~~lists- records and tabulation of~~ votes delivered forthwith; ~~lists of votes~~ tabulation examined by Governor; summons of persons who appear to be elected; ~~lists- tabulation~~ shall be laid before the House. The meetings within this State for the choice of Representatives shall be warned in due course of law by qualified officials of the several towns and cities 7 days at least before the election, and the election officials of the various towns and cities shall preside impartially at such meetings, receive the votes of all the qualified electors, which votes shall involve in any election involving 3 or more candidates the ranking of candidates in order of preference according to the procedure established by law. Those officials shall form a record of all votes received and shall sort, count and declare ~~them- the votes for each candidate, or the first choice votes for each candidate if the electors rank candidates in order of preference,~~ in open meeting; and shall form a list of the ~~persons- candidates~~ voted for ~~shall be formed,~~ with the number of votes or first-choice votes for each ~~person-candidate~~ against that ~~person's- candidate's~~ name. Cities and towns belonging to any Representative District shall hold their meetings at the same time in the respective cities and towns; and such meetings shall be notified, held and regulated, the votes received, sorted, counted and declared in the same manner. Fair copies of the lists of votes or first-choice votes shall be attested by the municipal officers and the clerks of the cities and towns and the city and town clerks respectively shall cause the same to be delivered into the office of the Secretary of State, together which such other attested records of the vote as may be required, who shall tabulate the votes forthwith. If the electors rank candidates in order of preference, the tabulation shall occur in rounds according to the procedure established by law. The Governor shall examine the ~~returned copies of such lists~~ tabulation and, 7 days before the first Wednesday of December biennially, shall issue a summons to such persons as shall appear to have been elected by a ~~plurality~~ majority of all votes returned or, if the electors rank candidates in order of preference, a majority of all votes in the final round of tabulation, to attend and take their seats. ~~All such lists~~ The tabulation shall be laid before the House of Representatives on the first Wednesday of December biennially, and they shall finally determine who are elected.

Constitution, Art. IV, Pt. Second, §§3, 4 and 5 are amended to read:

Section 3. Election of Senators; ~~lists- records and tabulation of~~ votes delivered forthwith. The meetings within this State for the election of Senators shall be notified, held and regulated and the votes received, sorted, counted, declared and recorded, in the same manner as those for Representatives. Fair copies of the lists of votes or, if the electors rank candidates in order of preference, lists of first-choice votes shall be attested by the clerks of the cities and towns or other duly authorized officials and sealed up in open meetings and such officials shall cause said lists to be delivered into the office of the

Secretary of State, together with such other attested records of the vote as may be required. The Secretary of State shall tabulate the votes forthwith in the same manner as those for Representatives.

Section 4. ~~Lists of votes~~ Tabulation examined by Governor; summons to persons who appear to be elected. The Governor shall, as soon as may be, examine the ~~copies of such lists~~ tabulation, and at least 7 days before the said first Wednesday of December, issue a summons to such persons, as shall appear to be elected by a ~~plurality~~ majority of the votes or, if the electors rank candidates in order of preference, a majority of all votes in the final round of tabulation in each senatorial district, to attend that day and take their seats.

Section 5. Determination of Senators elected; procedure for filling vacancies. The Senate shall, on said first Wednesday of December, biennially determine who is elected by a ~~plurality~~ majority of votes or, if the electors rank candidates in order of preference, a majority of all votes in the final round of tabulation to be Senator in each district. All vacancies in the Senate arising from death, resignation, removal from the State or like causes, ~~and also vacancies, if any, which may occur because of the failure of any district to elect by a plurality majority of votes the Senator to which said district shall be entitled~~ shall be filled by an immediate election in the unrepresented district. The Governor shall issue a proclamation therefor and therein fix the time of such election.

Constitution, Art. V, Pt. First, §3 is amended to read:

Section 3. Election; records and tabulation of votes to be returned delivered forthwith to Secretary of State; Secretary of State to lay lists tabulation before the Senate and House of Representatives; provision in case of tie. The meetings for election of Governor shall be notified, held and regulated and votes shall be received, sorted, counted and declared and recorded, in the same manner as those for Senators and Representatives. Copies of lists of votes or, if the electors rank candidates in order of preference, lists of first-choice votes together with such other attested records of the vote as may be required, shall be sealed and returned to the secretary's office in the same manner and at the same time as those for Senators and Representatives. The Secretary of State ~~for the time being~~ shall tabulate the votes in the same manner as those for Senators and Representatives and, on the first Wednesday after the first Tuesday of January then next, the Secretary of State shall lay the ~~lists returned to the secretary's office~~ tabulation before the Senate and House of Representatives to be by them examined, together with the ballots or attested records of ballots cast if they so elect, and they shall determine the number of votes duly cast for the office of Governor, ~~-. The Senate and House of Representatives and in case of a choice by plurality majority of all of the votes returned they shall declare and publish the same name of the person having a majority of votes or, if the electors rank candidate in order of preference, the person having a majority of votes in the final round of tabulation. If there shall be the tabulation results in a tie between the 2 persons having the largest number of votes for Governor, the House of Representatives and the Senate meeting in joint session, and each member of said bodies having a single vote, shall elect one of said the 2 persons having so received an equal number of votes and the person so elected by the Senate and House of Representatives shall be declared the Governor.~~

Constitutional referendum procedure; form of question; effective date. Resolved: That the municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, at a statewide election held in the month of November following the passage of this resolution, to vote upon the ratification of the amendment proposed in this resolution by voting upon the following question:

"Do you favor amending the Constitution of Maine to require candidates for the political offices of Governor, State Senator and State Representative to be elected by a majority of the votes cast for that office ranked-choice voting?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within the corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If it appears that a majority of the legal votes are cast in favor of the amendment, the Governor shall proclaim that fact without delay and the amendment becomes part of the Constitution of Maine on the date of the proclamation.

Secretary of State shall prepare ballots. Resolved: That the Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this resolution necessary to carry out the purposes of this referendum.

SUMMARY

This amendment replaces the resolution and proposes to amend the Constitution of Maine to apply the method of ranked-choice voting to general elections for the political offices of Governor, State Senator and State Representative.