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L.D. 1666

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MINORITY
VETERANS AND LEGAL AFFAIRS

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STATE OF MAINE

6

SENATE

7

132ND LEGISLATURE

8

SECOND REGULAR SESSION

9 COMMITTEE AMENDMENT "B" to S.P. 660, L.D. 1666, "An Act to Include in
10 the Ranked-choice Election Method for General and Special Elections the Offices of
11 Governor, State Senator and State Representative and to Make Other Related Changes"

12 Amend the bill in section 2 in the first line (page 1, line 5 in L.D.) by inserting after the
13 following: "§2" the following: 'and affected by §6'

14 Amend the bill in section 2 in subsection 35-A in the last line (page 1, line 12 in L.D.)
15 by inserting after the following: "elected." the following: 'For the purposes of this
16 subsection, "continuing candidate" has the same meaning as in section 723-A, subsection
17 1, paragraph C and "highest continuing ranking" has the same meaning as in section 723-A,
18 subsection 1, paragraph E.'

19 Amend the bill by striking out all of sections 8 to 13 and inserting the following:

20 'Sec. 8. 21-A MRSA §723-A, as amended by PL 2025, c. 363, §§5 to 8, is further
21 amended to read:

22 §723-A. Determination of winner in election for an office elected by ranked-choice
23 voting

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

26 B. "Continuing ballot" means a ballot that is not an exhausted ballot.

27 C. "Continuing candidate" means a candidate who has not been ~~removed from~~ ~~eliminated~~ and is not an excluded candidate.

28 C-1. "Excluded candidate" means a candidate who is listed on the ballot or has
29 qualified as a declared write-in candidate, but has died, been disqualified or withdrawn
30 less than 70 days before the election.

31 D. "Exhausted ballot" means a ballot that does not rank any continuing candidate,
32 contains an overvote at the highest continuing ranking or contains 2 or more sequential
33 skipped rankings before its highest continuing ranking.

1 E. "Highest continuing ranking" means the highest ranking on a voter's ballot for a
2 continuing candidate.

3 F. "Last-place candidate" means the candidate with the highest continuing ranking on
4 the fewest votes ballots in a round of the ranked-choice voting count tabulation.

5 H. "Overvote" means a circumstance in which a voter has ranked more than one
6 candidate at the same ranking.

7 H-1. "Ranked-choice voting count tabulation" means the ranked-choice counting
8 tabulating process described in this section and in rules adopted by the Secretary of
9 State.

10 I. "Ranking" means the number assigned on a ballot by a voter to a candidate to express
11 the voter's preference for that candidate relative to the other candidates for that office
12 on the ballot. The ranking of a candidate for an office on a voter's ballot is an
13 instruction from the voter on the relative order in which the voter intends the ballot to
14 be tabulated in the election for that office. Ranking number one is the highest ranking,
15 ranking number 2 is the next highest next highest ranking and so on.

16 J. "Round" means an instance of the sequence of vote-counting ballot tabulating steps
17 established in subsection 2 and in rules adopted by the Secretary of State.

18 K. "Skipped ranking" means a circumstance in which a voter has left a ranking blank
19 and ranks a candidate at a subsequent ranking.

20 2. **Procedures.** Except as provided in subsections 2-A, 3, 4 and 7, the following
21 procedures are used to determine the winner of an election determined by ranked-choice
22 voting. If a candidate has been assigned ranking number one on more than 50% of all
23 ballots cast for the particular office for which the candidate is running, including but not
24 limited to ballots on which ranking number one is blank, on which there is an overvote at
25 ranking number one or on which ranking number one was assigned to an excluded
26 candidate, that candidate is declared the winner of the election elected. If no candidate has
27 been assigned ranking number one on more than 50% of the ballots cast for that particular
28 office, the ranked-choice voting count tabulation must proceed in rounds. In each round,
29 the number of votes for each continuing candidate must be counted. Each continuing ballot
30 counts as one vote is tabulated for its highest-ranked continuing candidate for that round.
31 Exhausted ballots are not counted tabulated for any continuing candidate. The round then
32 ends with one of the following 2 potential outcomes.

33 A. If there are 2 or fewer continuing candidates, the ranked-choice voting tabulation
34 is complete and each ballot is tabulated as one vote for its highest-ranked continuing
35 candidate, and the candidate with the most receiving a plurality of the votes cast is
36 declared the winner of the election elected.

37 B. If there are more than 2 continuing candidates, the last-place candidate is removed
38 from consideration eliminated and a new round begins.

39 2-A. **Excluded candidates.** In any round of the ranked-choice voting count tabulation,
40 a ballot on which an excluded candidate is the highest-ranked candidate must be counted
41 tabulated for the next-highest-ranked continuing candidate.

42 3. **Ties.** A tie under this section between last-place candidates in any round must be
43 decided by lot, and the candidate chosen by lot is removed from consideration eliminated.

1 The result of the tie resolution must be recorded and reused in the event of a recount. A tie
2 between candidates for the most votes in the final round must be decided as provided in
3 section 732.

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

7 A. The number of allowable rankings may be limited to no fewer than 5.

8 **5. Effect on rights of political parties.** For all statutory and constitutional provisions
9 in the State pertaining to the rights of political parties, the number of votes cast for a party's
10 candidate for an office determined by ranked-choice voting is the number of votes credited
11 to ballots upon which that candidate ~~after the initial counting is the highest-ranked~~
12 continuing candidate in the first round of tabulating described in subsection 2.

13 **5-A. Rules.** The Secretary of State shall adopt rules for the proper and efficient
14 administration of elections determined by ranked-choice voting. At a minimum, rules
15 required under this subsection must include procedures, as determined appropriate by the
16 Secretary of State, for requesting and conducting recounts of the results as determined in
17 the rounds of counting tabulating described in subsection 2. Rules adopted pursuant to this
18 subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

19 **5-B. Presidential primary elections; selection of delegates.** Notwithstanding any
20 provision of this section to the contrary, for presidential primary elections, tabulation must
21 continue until only 2 continuing candidates remain, separate tabulations must be conducted
22 statewide and for each congressional district and selection and allocation of delegates to a
23 party's national presidential nominating convention must be in accordance with any
24 reasonable procedures established at the state party convention, except that unenrolled
25 voters who participate in the party's primary election must be considered members of the
26 party for purposes of allocating delegates.

27 **5-C. Cast vote record posted.** The Secretary of State shall post the complete cast
28 vote record on its publicly accessible website as soon as the certified results are reported.

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

30 **7. Procedures for using ranked-choice voting when National Popular Vote for**
31 **President Act governs.** In a presidential election determined by ranked-choice voting
32 when the National Popular Vote for President Act governs the appointment of presidential
33 electors, the following procedures are used to determine the presidential vote count
34 tabulation, except that, notwithstanding subsection 3, a statewide tie between the
35 candidates in the final round may not be resolved and the provisions of subsection 4
36 regarding the modification of the ballot and count tabulation are permitted.

37 A. As used in this subsection, unless the context otherwise indicates, the following
38 terms have the following meanings.

39 (1) "Continuing presidential slate" means a presidential slate that has not been
40 removed from consideration eliminated.

41 (2) "Final round" means the round that ends with the result described in paragraph
42 C, subparagraph (1).

1 B. If no presidential slate initially receives more than 50% of the first-choice votes,
2 the ranked-choice voting ~~count~~ tabulation must be conducted under the supervision of
3 the Secretary of State for successive rounds.

4 C. The ranked-choice voting ~~event~~ tabulation must proceed in rounds. In each round,
5 the number of votes for each continuing presidential slate must be ~~counted~~ tabulated.
6 Each continuing ballot ~~counts as one vote is tabulated~~ for its highest-ranked continuing
7 presidential slate for that round. Exhausted ballots are not ~~counted~~ tabulated for any
8 continuing presidential slate.

9 The round then ends with one of the following 2 potential outcomes.

10 (1) If there are 2 or fewer continuing presidential slates, the vote ~~counts~~ tabulations
11 of those continuing presidential slates are recorded as the results of the presidential
12 vote ~~counting~~ tabulating process and no further rounds may occur.

13 (2) If there are more than 2 continuing presidential slates, the last-place
14 presidential slate is ~~removed from consideration~~ eliminated and a new round
15 begins.'

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

SUMMARY

19 This amendment makes technical adjustments to the bill. It includes statutory
20 references to defined terms used in the definition of "ranked-choice voting." It replaces the
21 term "count" with the term "tabulate" when referring to the process of determining the
22 number of votes cast for a candidate in each round of an election determined by
23 ranked-choice voting. It also clarifies that in the definition of "ranking" the preference
24 being demonstrated by the voter for a candidate is relative to other candidates for the same
25 office on that ballot.

26 The amendment also makes technical adjustments to the provisions in the bill that
27 provide that the winner of an election in which ranked-choice voting is conducted is the
28 winner by a plurality of the votes.

COMMITTEE AMENDMENT