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S.P. 208 In Senate, February 19, 2013

An Act To Establish Ranked-choice Voting in the State

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator WOODBURY of Cumberland.
Cosponsored by Representative COOPER of Yarmouth, Representative RUSSELL of Portland and
Senators: CLEVELAND of Androscoggin, HASKELL of Cumberland, LANGLEY of Hancock, Representatives: CHIPMAN of Portland, KNIGHT of Livermore Falls, KRUGER of Thomaston, KUMIEGA of Deer Isle, MORIARTY of Cumberland.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 21-A MRSA §1, sub-§27-C is enacted to read:

27-C. Offices subject to the ranked-choice voting method. "Offices subject to the ranked-choice voting method" means the offices of United States Senator, United States Representative to Congress, Governor, State Senator and State Representative.

Sec. 2. 21-A MRSA §1, sub-§35-A is enacted to read:

35-A. Ranked-choice voting method. "Ranked-choice voting method" means a method of casting and tabulating votes that simulates the ballot counts that would occur if all voters participated in a series of run-off elections and that allows voters to rank candidates for an office subject to the ranked-choice voting method according to the voters' preferences.

Sec. 3. 21-A MRSA §601, sub-§2, ¶J is enacted to read:

J. For offices subject to the ranked-choice voting method, the ballot must be simple and easy to understand and allow a voter to rank candidates for an office in order of choice. A voter may include no more than one write-in candidate among that voter's ranked choices for each office. If feasible, ballots must be designed so that a voter may mark that voter's first choices in the same manner as that for offices not elected by the ranked-choice voting method.

Instructions on the ballot must conform substantially to the following specifications, subject to modification based on ballot design and voting machine:

"Vote for candidates by indicating your first-choice candidate and ranking additional candidates in order of preference. Indicate your first choice by marking the number "1" beside a candidate's name, your 2nd choice by marking the number "2" beside a candidate's name, your 3rd choice by marking the number "3" beside a candidate's name and so on, for as many choices as you wish. Do not mark the same number beside more than one candidate."

Sec. 4. 21-A MRSA §603, sub-§1, ¶C is enacted to read:

C. A sample ballot for an office subject to the ranked-choice voting method must illustrate the voting procedure for the ranked-choice voting method.

Sec. 5. 21-A MRSA §603, sub-§7 is enacted to read:

7. Include with absentee ballot. A clerk shall provide a sample ballot with each absentee ballot.

Sec. 6. 21-A MRSA §625, as amended by PL 2009, c. 538, §7, is further amended by adding at the end a new paragraph to read:

The clerk shall post a sample ballot in or near each voting booth on election day.

1   **Sec. 7. 21-A MRSA §722, sub-§1,** as amended by PL 2009, c. 253, §36, is
2   further amended to read:

3   **1. How tabulated.** The Secretary of State shall tabulate all votes that appear by an
4   election return to have been cast for each question or candidate whose name appeared on
5   the ballot. For offices subject to the ranked-choice voting method, the Secretary of State
6   shall tabulate the votes according to the ranked-choice voting method described in section
7   723-A. The Secretary of State shall tabulate the votes that appear by an election return to
8   have been cast for a declared write-in candidate and shall tabulate the votes that appear to
9   have been cast for an undeclared write-in candidate based on a recount requested and
10   conducted pursuant to section 737-A, subsection 2-A.

11   **Sec. 8. 21-A MRSA §723, sub-§2,** as amended by PL 2009, c. 253, §39, is
12   further amended to read:

13   **2. Other elections.** In any other election, the person who receives a plurality of the
14   votes cast for election to any office, as long as there is at least one vote cast for that
15   office, is elected to that office, except that ~~a write-in candidate must also comply with~~
16   ~~either section 722-A or section 737-A, subsection 2-A.~~:

17   A. Write-in candidates must also comply with section 722-A or section 737-A,
18   subsection 2-A; and

19   B. For offices subject to the ranked-choice voting method, the person who is
20   determined to be the winner under the ranked-choice voting method described in
21   section 723-A is elected to that office.

22   **Sec. 9. 21-A MRSA §723-A** is enacted to read:

23   **§723-A. Determination of winner in election for an office subject to the ranked-**
24   **choice voting method.**

25   **1. Procedures.** The following procedures are used to determine the winner in an
26   election for an office subject to the ranked-choice voting method.

27   A. The first choice marked on each ballot must be counted initially by the election
28   officials. The ballot count is the same as the count that would occur if voters
29   participated in a series of run-off elections, with the candidate with the fewest votes
30   eliminated after each round of counting. If a candidate receives a majority of votes
31   after the first round, that candidate is declared the winner.

32   B. In every round of counting, each ballot is counted as one vote for that ballot's
33   highest-ranked advancing candidate. "Advancing candidate" means a candidate for
34   an office who has not been eliminated. If more than 2 candidates have received votes
35   after the initial round of counting, the Secretary of State shall conduct a 2nd round.
36   In this 2nd round, the Secretary of State shall eliminate the candidate with the fewest
37   votes. A ballot that ranks this eliminated candidate as the highest-ranked candidate
38   must be counted as a vote for the highest-ranked advancing candidate on that ballot.
39   This process of counting votes and eliminating the candidate with the fewest votes
40   must continue until 2 candidates remain. The candidate with the most votes then must
41   be declared the winner.

C. If a ballot has no more available choices ranked on it, that ballot must be declared exhausted. A ballot that skips one number must be counted for that voter's next clearly indicated choice, but a ballot that skips more than one number must be declared exhausted when this skipping of numbers is reached. A ballot with the same number for 2 or more candidates must be declared exhausted when these duplicate numbers are reached.

D. For ties between candidates occurring at any stage in the tabulation, determinations must be made based on whomever was credited with the most votes at the previous stage of tabulation. In the case of any tie to which a previous stage does not apply, the tie must be resolved in accordance with the general election laws of the State pursuant to section 732.

2. Change of voting method. The legislative body of a municipality or election authorities may provide for the use of mechanical, electronic or other devices for marking, sorting and counting the ballots and tabulating the results and may modify the form of the ballots, the directions to voters and the details with respect to the method of marking, sorting, counting, invalidating and retaining ballots and the tabulating and recounting of votes, as long as no change is made that alters the intent or principles embodied in this section.

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

A. If the Secretary of State determines that the number of candidates for an office subject to the ranked-choice voting method exceeds the practical space requirements for ranking all candidates on the ballot, the number of allowable rankings may be limited to no fewer than 5 candidates.

B. Two or more candidates may be eliminated simultaneously if the number of total votes credited for those candidates is fewer than the number of total votes credited for the candidate with the next greatest number of votes.

4. 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 subject to the ranked-choice voting method is the number of votes credited to that candidate after the initial round of counting.

Sec. 10. 21-A MRSA §753-B, sub-§1, as amended by PL 2011, c. 399, §22, is further amended to read:

1. Application or written request received. Upon receipt of an application or written request for an absentee ballot that is accepted pursuant to section 753-A, the clerk shall immediately issue a sample ballot, pursuant to section 603, subsection 7, an absentee ballot and return envelope by mail or in person to the applicant or to the immediate family member or to a 3rd person designated in a written application or request made by the voter, except as provided in subsection 2. The clerk shall type or write in ink the name and the residence address of the voter in the designated section of the return envelope.

SUMMARY

This bill creates the ranked-choice voting method of determining winners in elections for United States Senator, United States Representative to Congress, Governor, State Senator and State Representative. The method simulates the ballot counts that would occur if all voters participated in a series of run-off elections and allows a voter to rank candidates according to that voter's preferences. Each voter has only one vote and the ballot count is the same as would occur if voters participated in a series of run-off elections, with the candidate with the fewest votes eliminated after each round of counting.

There is an initial round of counting. If a candidate receives a majority of votes after the first round, that candidate is declared the winner. If more than 2 candidates have received votes after the initial round, the Secretary of State conducts a 2nd round. In this 2nd round, the Secretary of State eliminates the candidate with the fewest votes. A ballot that ranks this eliminated candidate as the highest-ranked candidate is counted as a vote for the highest-ranked advancing candidate on that ballot. An advancing candidate is a candidate who has not been eliminated. This process of counting votes and eliminating the candidate with the fewest votes continues until 2 candidates remain. The candidate with the most votes is declared the winner.