

# A Timeline of Ranked-choice Voting in Maine

First bill is proposed in Maine Legislature related to the establishment of an instant runoff/ranked-choice voting system, LD 1714. The bill dies in committee.

2001

The Joint Standing Committee on Legal and Veterans' Affairs of the 122<sup>nd</sup> Maine Legislature directs the Department of the Secretary of State to conduct a feasibility study of instant runoff voting in Maine. The study report is issued January 2005:

[http://lldc.mainelegislature.org/Open/Rpts/jk2890\\_m32\\_2005.pdf](http://lldc.mainelegislature.org/Open/Rpts/jk2890_m32_2005.pdf)

2003

Additional RCV bills are proposed and rejected by the Legislature.

2005-2013

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Proponents of ranked-choice voting receive approval to circulate a citizens' initiative petition to enact RCV, gathering signatures to bring the proposed law directly to Maine voters.

OCTOBER 2014

The Secretary of State determines that the citizens' initiative petition has enough valid signatures to qualify for the November 2016 ballot (if not enacted by the 128<sup>th</sup> Legislature during its first regular session in 2016.)

<http://maine.gov/sos/news/2015/rankedchoiceinitiative.html>

NOVEMBER 18, 2015

Secretary of State Matthew Dunlap finalizes the wording for all November ballot questions, including the initiative entitled "An Act To Establish Ranked-Choice Voting" that will become Question 5: *"Do you want to allow voters to rank their choices of candidates in elections for U.S. Senate, Congress, Governor, State Senate, and State Representative, and to have ballots counted at the state level in multiple rounds in which last-place candidates are eliminated until a candidate wins by majority?"*

JUNE 23, 2016

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Voters approve the ranked-choice voting question, 388,273 to 356,621. The RCV law takes effect on January 7, 2017, but does not apply to elections until after January 1, 2018.

NOVEMBER 8, 2016

The Maine Senate requests the opinion of the Justices of the Maine Supreme Judicial Court on the constitutionality of RCV as applied to general elections for State Representative, State Senator and Governor.

FEBRUARY 2, 2017

Legal briefs on the constitutional questions are filed with the Maine Supreme Judicial Court.

MARCH 2017

The Maine Supreme Judicial Court hears oral argument on the constitutional questions and on whether there is a "solemn occasion" permitting the Justices to answer the questions.

APRIL 13, 2017

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The Justices of the Maine Supreme Judicial Court issue a unanimous advisory opinion at the request of legislators, finding a solemn occasion and concluding that the parts of the ranked-choice voting law that apply to general elections for State Representative, State Senator and Governor are unconstitutional under the Maine Constitution.

Based on this Opinion, the Legislature considers either a full repeal of the ranked-choice voting law or initiating the Constitutional amendment process, which would require a 2/3 vote of both the House and Senate plus the approval of Maine voters in a statewide election. Both efforts fail.

During a special session, the Legislature passes "An Act to Implement Ranked-choice Voting in 2021," which delays the implementation of ranked-choice voting until December 1, 2021 unless, prior to that date, the voters of the State ratify an amendment to the Constitution of Maine; and it indefinitely postpones implementation if the constitutional change is not made. This becomes law without the Governor's signature on November 4, 2017. Public Law 2017, Chapter 316.

MAY 23, 2017

JUNE 2017

OCTOBER 23, 2017

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Proponents of RCV begin the People's Veto process, seeking to overturn the portions of Public Law 2017, Chapter 316 which delay the implementation of ranked-choice voting until after December 1, 2021.

The Secretary of State approves the Peoples' Veto petitions for circulation.

Proponents of the People's Veto submit their signed petitions to the Elections Division for a determination of validity – a process that takes up to 30 days.

The Elections Division determines that the people's veto of "An Act to Implement Ranked-choice Voting in 2021" has enough valid signatures to move forward to a statewide vote on June 12, 2018. This people's veto referendum would repeal the parts of [Public Law 2017, Chapter 316](#) that delay implementation of ranked-choice voting and instead apply RCV to all of Maine's primary elections as well as general elections for federal offices. Thus, the primary elections for U.S. Senate, Governor, U.S. Congress, State Senate and State Representative will be decided by a system of ranked-choice voting on June 12.

OCTOBER 27, 2017

NOVEMBER 6, 2017

FEBRUARY 2, 2018

MARCH 5, 2018



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In preparation for a scheduled update to the Veterans and Legal Affairs Committee from Secretary Dunlap regarding ranked-choice voting, legislative staff raises questions about whether conflicting language in the election statutes would affect the use of ranked-choice voting in the June 12 primary.

Secretary Dunlap, in his presentation to the VLA committee, states that his office intends to move forward with ranked-choice voting while awaiting any legal or legislative guidance that may affect that decision.

The Committee for Ranked-choice Voting files a motion for a temporary restraining order with the Kennebec County Superior Court, stating that the conflicting statute is “repealed by implication” and therefore the ranked-choice voting law applies. The order seeks to require Secretary Dunlap to implement ranked-choice voting for the June 12 primary.

MARCH 28, 2018

MARCH 29, 2018

MARCH 30, 2018

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The Senate authorizes Senate President Michael Thibodeau to hire legal counsel to challenge the use of ranked-choice voting in the June 12 primary.

APRIL 2, 2018

Justice Michaela Murphy grants the Committee for Ranked-choice Voting's temporary restraining order, requiring Secretary Dunlap's office to continue implementing ranked-choice voting for the June 12 primary. Later the same day, the Senate files a lawsuit against the Secretary of State in Kennebec County Superior Court seeking a declaratory judgment and injunctive relief. Justice Murphy encouraged the Senate and the Secretary of State to try to reach agreement on questions of law and facts to present to the Maine Law Court, in order to reach a final resolution as expeditiously as possible.

APRIL 3, 2018

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Sen. Michael Carpenter proposes a joint order (S.P. 730) directing the Joint Standing Committee on Veterans and Legal Affairs to report out a bill that would specifically authorize implementation and funding language for RCV to address the Senate concerns. The bill fails.

APRIL 5, 2018

Justice Murphy grants a request by the Committee for Ranked-choice Voting to become a party in the Senate's lawsuit.

APRIL 9, 2018

The Superior Court reported the Senate's case to the Maine Law Court, with seven questions of law to be addressed based on a record agreed to by the parties. These are posted on the Law Court's website at: [http://www.courts.maine.gov/news\\_reference/high\\_profile/index.shtml](http://www.courts.maine.gov/news_reference/high_profile/index.shtml)

APRIL 11, 2018



# A Timeline of Ranked-choice Voting in Maine

The Law Court issues its decision on the Senate's case, finding that ranked-choice voting is in effect for the June 12, 2018 primary election. The decision is posted on the Law Court's website, [http://www.courts.maine.gov/opinions\\_orders/supreme/lawcourt/2018/18me052.pdf](http://www.courts.maine.gov/opinions_orders/supreme/lawcourt/2018/18me052.pdf) Secretary Dunlap acknowledges the ruling and reaffirms his intention to move ahead with ranked-choice voting implementation.




APRIL 17, 2018

# A Timeline of Ranked-choice Voting in Maine

## **JUNE 12, 2018 (PRIMARY AND REFERENDUM ELECTION DAY):**

- Majority winners are apparent in the Election Night (first-choice) count for the Republican gubernatorial and House District 75 races that were subject to ranked-choice voting, so those do not move into the ranked-choice voting rounds. The Democratic gubernatorial race and the Democratic primary for U.S. Congressional District 2 have no majority winner on Election Night and do go into rounds. Ballots are collected beginning Thursday, June 14 and uploading of votes begins Friday, June 15. Tabulation and certification continues into the following week and the final results of the rounds are announced Wednesday evening, June 20, 2018.



JUNE 12, 2018

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- Voters also approve the people's veto referendum question. Thus, ranked-choice voting will continue to be used in primary elections and will be used for the offices of U.S. Senate and U.S. Congress in the general election, beginning November 6, 2018.



JUNE 12, 2018

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## **NOVEMBER 6, 2018:**

The U.S. Congressional District 1 race and the U.S. Senate race are decided with a majority winner on election night. The U.S. Congressional District 2 race does not have a majority winner on election night and moves into rounds. The tabulation process is conducted at the Elkins Building in Augusta, Nov. 9-10; and Nov. 12-15.

NOV. 6, 2018

## **NOVEMBER 13, 2018:**

- Republican Rep. Bruce Poliquin files a federal lawsuit on Tuesday, Nov. 13 challenging the constitutionality of ranked-choice voting, along with a request for an emergency order seeking to stop the tabulation of ranked-choice votes in his 2nd Congressional District race against Democratic challenger Jared Golden. Poliquin asks U.S. District Judge Lance Walker either to declare him the winner or order another election for the 2nd Congressional District.

NOV. 13, 2018

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## **NOVEMBER 15, 2018:**

- Judge Walker denies the request for immediate relief and declines to stop the tabulation. The initial tabulation results are announced later that same day.

## **NOVEMBER 26, 2018:**

- The final ranked-choice tabulation showing Jared Golden as the winner of the Congressional District 2 race is submitted to the Governor. Candidate Bruce Poliquin requests a hand recount of ballots.

## **DECEMBER 6, 2018:**

- The CD2 recount begins, conducted during regular business days at the Elkins Building in Augusta.

## **DECEMBER 13, 2018:**

- Judge Lance Walker rejects Poliquin's arguments in a [30-page ruling](#).

NOV. 15, 2018

NOV. 26, 2018

DEC. 6, 2018

DEC. 13, 2018



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## **DECEMBER 14, 2018:**

- Poliquin terminates the recount process. The official tabulation of the CD2 race stands, showing candidate Jared Golden (D) with 142,440 votes and Poliquin (R) with 138,931 votes. The recount effort costs Poliquin \$14,560.

DEC. 14, 2018

## **DECEMBER 18, 2018:**

- Poliquin appeals Judge Walker's ruling to the First Circuit Court of Appeals and requests an emergency injunction to stop the state officials from certifying the election results.

DEC. 18, 2018

## **DECEMBER 21, 2018:**

- The First Circuit Court of Appeals denies Poliquin's request for injunctive relief, finding that he failed to demonstrate a strong likelihood of success on the merits of any of his constitutional or other legal claims.

DEC. 21, 2018

## **DECEMBER 24, 2018:**

- Poliquin announces that he is withdrawing his appeal. The case is dismissed on Dec. 28, 2018.

DEC. 24, 2018