

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 122nd 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

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 128th 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.

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.

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

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.

NOVEMBER 8, 2016

FEBRUARY 2, 2017

MARCH 2017

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.

MAY 23, 2017

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.

JUNE 2017

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](#).

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

APRIL 11, 2018

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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 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

A Timeline of Ranked-choice Voting in Maine

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

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AUGUST 26, 2019:

- L.D. 1083 “An Act To Implement Ranked-choice Voting for Presidential Primary and General Elections in Maine” is approved by the Maine Legislature.

JANUARY 12, 2020

- Gov. Mills allows L.D. 1083 to become law without her signature. Because it becomes law during the Second Regular Session of the 129th Legislature, it would not take effect until 90 days after that session adjourned. Accordingly, ranked-choice voting is not in use for the presidential primary election on March 3, 2020. (See: [Chaptered Law 539](#), Public Laws of 2019.)

JANUARY 16, 2020:

- The chair of the Maine Republican Party and five other voters apply to the Secretary of State for approval to circulate a people’s veto petition.

AUG. 26, 2019

JAN. 12, 2020

JAN. 16, 2020

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FEBRUARY 3, 2020:

- The Secretary of State approves the petition form, and the Maine GOP begins collecting signatures in a people's veto effort to repeal Chapter Law 539.

MARCH 17, 2020

- The 129th Legislature finally adjourns the Second Regular Session, meaning that laws enacted during that session would take effect 90 days thereafter, on June 15, 2020.

APRIL 15, 2020:

- The Committee on Ranked Choice Voting files a lawsuit alleging that the Secretary erred in approving the petition form due to the timing of the legislation. The legal issues raised were subsequently reported to the Maine Supreme Judicial Court, sitting as the Law Court: Law Court Docket Number: Ken-20-169. ([Payne v. Dunlap](#) , Docket No. AUGSC-CV-20-50)

FEB. 3, 2020

MARCH 17, 2020

APRIL 15, 2020

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JUNE 15, 2020:

- The Maine GOP submits 9,482 petition forms with 72,512 signatures to the Elections Division of the Bureau of Corporations, Elections and Commissions in the people's veto effort to repeal PL 539.

JULY 15, 2020

- Secretary of State Matthew Dunlap issues a determination that the people's veto petition does not have enough valid signatures to move forward to a vote. The determination finds 61,334 valid signatures, while 11,178 were not valid. A minimum of 63,067 signatures from registered Maine voters is required. Thus, the petition is invalid.

JULY 27, 2020:

- Maine GOP files lawsuit in Cumberland County Superior Court to challenge the Secretary's determination invalidating the people's veto.

JUNE 15, 2020

JULY 15, 2020

JULY 27, 2020

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AUGUST 3, 2020

- The Superior Court remands this matter to the Secretary of State for the purpose of taking additional evidence. After taking evidence from the petitioners as well as the Committee for Ranked-choice Voting which intervened in the case, Secretary Dunlap issues an amended determination on **August 12, 2020**, finding 61,292 valid signatures, which is still below the minimum needed to suspend Chapter 539 and qualify the people's veto question for the ballot. ([Jones v. Dunlap](#))

AUGUST 13, 2020

- The Maine Supreme Judicial Court finds that Secretary Dunlap properly issued the people's veto petitions to the Maine GOP in February. ([Payne v. Dunlap](#))

AUGUST 3, 2020

AUGUST 13, 2020

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AUGUST 14, 2020

- In a separate case, U.S. District Court Judge Lance E. Walker denies a request by four individuals who oppose Maine's ranked-choice voting law for a preliminary injunction to prohibit the RCV system from being used in the November general election. He finds the challengers are not likely to succeed on merits of their claims that RCV is contrary to the provisions of the U.S. Constitution. ([Hagopian v. Dunlap](#)) This lawsuit is dismissed on August 19, 2020.

AUGUST 24, 2020

- Cumberland County Superior Court Justice [Thomas McKeon reverses the Secretary's determination on the grounds that petition circulators do not need to be registered voters](#) in Maine at the time of circulating petitions, and thereby finds that the proponents of the people's veto regarding use of RCV in the U.S. Presidential race do have enough signatures. ([Jones vs. Dunlap](#))

AUGUST 14, 2020

AUGUST 24, 2020

A Timeline of Ranked-choice Voting in Maine

AUGUST 27, 2020

- Secretary Dunlap files an appeal of the Superior Court decision to the Maine Supreme Judicial Court, as does the Committee for Ranked-choice Voting.

SEPTEMBER 8, 2020

- The Supreme Judicial Court clarifies that the Superior Court ruling is automatically stayed pending a decision on the appeal. Because the Court determined that an automatic stay resulted from the filing of the appeal, what remains in place pending the final ruling of the Court is the original determination of Secretary Dunlap that the people's veto effort did not gather the 63,067 required signatures to force the matter to a vote in November. Thus, the ballots are printed with RCV in use for the presidential race and no people's veto question on the ballot.

AUGUST 27, 2020

SEPT. 8, 2020

A Timeline of Ranked-choice Voting in Maine

SEPT. 16, 2020

- The process of printing, packaging, and distributing the ballots begins, in order to comply with the federal deadline to provide ballots to overseas/military voters and the state deadline to provide ballots to voters in Maine who wish to vote absentee.

SEPTEMBER 22, 2020

- The Maine Supreme Judicial Court [rules on the merits of the appeal in *David A. Jones v. Secretary of State*](#), confirming Secretary Dunlap's determination that Maine law requires those who circulate petitions to be registered Maine voters before they collect signatures and that this does not violate the First Amendment of the U.S. Constitution. The decision thereby upholds Secretary Dunlap's determination that the people's veto effort to repeal the use of ranked-choice voting in the presidential election did not gather enough valid signatures to qualify for the ballot. Thus, Maine voters are assured that the race for U.S. President on the Nov. 3 ballot will be conducted using ranked-choice voting, and the people's veto question regarding the use of RCV for president will NOT appear on the Nov. 3, 2020 General Election ballot.

SEPTEMBER 16, 2020

SEPT. 22, 2020

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SEPT. 23, 2020

- The petitioners in Jones v. Secretary of State file a motion to stay the effect of the Supreme Judicial Court's ruling on appeal. The Court schedules oral argument on the motion for October 1, 2020.

OCTOBER 1, 2020

- The Court denies the motion to stay the effect of the Supreme Judicial Court's ruling on appeal in Jones v. Secretary of State.

NOVEMBER 3, 2020

- Maine voters are the first in the nation to use ranked-choice voting in the U.S. presidential election. It is also used in Maine's U.S. Senate and U.S. Congressional races. Ultimately, winners of each race are determined to have more than 50% of the first-choice votes and no RCV tabulation is required.

SEPTEMBER 23, 2020

OCT. 1, 2020

NOV. 3, 2020