

**CITY OF WESTBROOK
MUNICIPAL RANKED CHOICE VOTING – ADMINISTRATIVE RULES**

Section 1. Adoption of rules.

In accordance with Section 6.2(B)(v) of the Charter of the City of Westbrook, the City Clerk hereby adopts these administrative rules necessary to implement ranked choice voting (RCV). Should these rules be silent on any matter related to the administration of ranked choice voting, the City of Westbrook shall defer to the rules outlined in Title 21-A M.R.S. Section 723-A and the State of Maine Department Rules for the Secretary of State, 29-250 Chapter 535 (*Rules governing the administration of elections determined by Ranked-Choice Voting*) and Chapter 536 (*Rules establishing procedures for requesting and conducting recounts of elections determined by Ranked-Choice Voting*). In such cases the City Clerk shall serve in place of the Secretary of State for the implementation of RCV in the City of Westbrook.

Section 2. Definitions.

Continuing ballot – a ballot that is not an exhausted ballot

Continuing candidate – a candidate who has not been defeated

Election results reporting program – the software program that is compatible with the current tabulation system used by the City of Westbrook and is capable of processing and aggregating the results and cast vote records.

Ranking – the number or the numeric position assigned on a ballot by a voter to a candidate to express the voter's preference for that candidate. Ranking number one is the highest ranking, ranking number two is the next-highest ranking and so on.

RCV count – the ranked-choice counting process

RCV counting program – a specialty software program or utility that incorporates the ranked-choice vote counting requirements defined in these rules and electronically completes the rounds of the RCV count.

Skipped ranking – a circumstance in which a voter has left a ranking blank and ranks a candidate at a subsequent ranking

Section 3. Ballot design.

- A. The City Clerk has the sole authority to determine the design of ballots containing ranked-choice voting contests, including whether to place ranked-choice contests and non-ranked choice contests on the same or separate ballot pages. This determination will be made after the candidate filing deadline has passed, when the number of contests subject to ranked choice voting and the number of candidates who have qualified for those contests is known.
- B. Ranked-choice contests will be grouped together and may be presented either on a separate ballot page from the non-ranked choice contests, or on one side of a combined ranked-choice and non-ranked choice ballot page.

- C. Ballot heading information and specific instructions will be presented above or next to the first contest of each type (i.e. ranked-choice contest or non-ranked-choice contest).
- D. Each ballot page or grouping of contests will adhere to the ballot order and layout requirements, as near as practicable, of 21-A M.R.S. Sections 601, 604-A, and 723-A. The final design will be based on the space and design limitation of the ballot design software, while following the best practices for ballot design to the greatest extent possible.
- E. The ballot will be designed in a manner that allows voters to rank as many candidates as they wish, up to and including all listed candidates and one declared write-in candidate, in order of choice.
- F. In accordance with Section 21-3 of the Westbrook Code of Ordinances, there must be left as many blank spaces at the end of the list of candidates for each office as there are vacancies to be filled. Write-in candidates must declare their candidacy no later than sixty (60) days prior to the election. Voters will have the option to write-in one name only and rank that write-in in any position.
- G. If there is no declared write-in candidate who has qualified for a ranked-choice contest, then the City Clerk may eliminate the write-in space for the contest so that the voter will have the ability to rank only the candidates listed on the ballot.

Section 4. Vote counting procedures.

- A. After the polls close on election day, election officials will tally the ballots either by using an approved tabulation system authorized by the Secretary of State or the City Clerk or by hand-count and will record the first choice votes cast for all ranked-choice voting contests in the same manner as for contests determined by plurality pursuant to 21-A M.R.S. Section 695.
- B. The ranked-choice counting rounds will be conducted under the supervision of the City Clerk in accordance with all applicable laws, rules, and procedures. The City Clerk may appoint additional election officials to act as RCV assistants as needed.
- C. As outlined in the Westbrook City Charter Section 6.2(B):
 - i. If a candidate receives a majority, defined as at least one more than fifty percent (50%) of the first choice votes cast, that candidate is elected.
 - ii. If no candidate receives a majority of first choice votes, an instant runoff re-tabulation shall be promptly conducted by the City Clerk and completed within five (5) business days of the election.
 - iii. The instant runoff re-tabulation shall be conducted in successive rounds, with the majority determined for each successive round by the number of votes cast in that round. The candidate with the fewest votes after each successive round in which no candidate receives a majority of the votes cast in that round shall be eliminated, and the votes in the successive rounds shall be re-tabulated among the remaining candidates until one candidate receives a majority of the votes cast in that round. In

each successive round, each voter's ballot shall count as a single vote for whichever candidate the voter has ranked highest who has not been eliminated in a prior round, if any.

- iv. After the first round, a majority is determined as at least one (1) more than fifty percent (50%) of the votes cast for a remaining candidate in subsequent rounds.

Section 5. Process for ranked choice counting.

- A. **Public proceeding.** There will be a guardrail enclosure set up to separate the ranked-choice counting area from the public viewing area after the polls close on election night, or on a subsequent day if the RCV count continues during the five (5) business days following. The RCV count is a public proceeding, and members of the media and the general public may attend, to the extent the space allows. Only limited conversation will be permitted in the RCV counting facility. Cell phones must be silenced during the count and may be used within the guardrail area only by the ranked-choice counting personnel as needed to conduct the process. Any person who causes a disruption of the RCV count may be removed from the room, at the discretion of the City Clerk.
- B. **Election results reporting program.** The City Clerk will use the procedures outlined by the vendor providing the ballot tabulators to upload the memory devices from each tabulator into the election results reporting program, to aggregate results from all tabulators utilized.
- C. **Ballots that cannot be scanned.** Ballots that cannot be scanned by a tabulator must be manually entered into a spreadsheet to create an electronic cast vote record for these ballots. The creation of a cast vote record spreadsheet and subsequent proofreading of the spreadsheet will be done by a team of two election officials. After the cast vote record for all ballots that could not be scanned are entered and verified, the file will be uploaded into the election results reporting software.
- D. **RCV counting program.** After the results from each ranked-choice voting election are uploaded and verified in the election results reporting program, the City Clerk will initiate the RCV counting program. Reports will be generated to document the round-by-round results as well as the final winner.
- E. **Final results.** Election results will be disseminated to the public at the City Clerk's direction.

Section 6. Handling of certain ballot rankings.

- A. **Overvote.** An overvote occurs when a voter marks more than one candidate for the rank ranking (i.e., in the same ranking column). An overvote invalidates the overvoted rankings and all subsequent rankings marked for that contest on the ballot.
- B. **Single skipped ranking.** A single skipped ranking occurs when a voter does not mark (i.e., skips or leaves blank) a ranking but marks the subsequent ranking for a candidate. The single skipped ranking is ignored, and the subsequent ranking is counted in the current

round, as long as that ranking is for a continuing candidate. For example, if the voter did not mark any candidate for the first ranking, but marked a continuing candidate for the second ranking, then the second ranked choice is counted in the first round of the RCV count.

- C. **Two or more consecutive skipped rankings.** When a voter does not mark (i.e. skips or leaves blank) two or more consecutive rankings, then the ballot is deemed exhausted for that contest, and no subsequent candidate rankings marked on that ballot are counted.
- D. **Duplicate ranking for the same candidate.** A duplicate ranking occurs when a voter marks more than one ranking column for the same candidate. If a voter marks a duplicate ranking for one candidate and ranks no other candidates, then the ballot will be counted for the highest ranking of that candidate. If the candidate with the duplicate ranking is defeated, the ballot is deemed exhausted for that contest and no subsequent candidate rankings marked on that ballot are counted. If a voter marks a duplicate ranking for one candidate but also ranks other candidates, and if the candidate with the duplicate ranking is defeated, then the vote for the next continuing candidate ranked by that voter will be counted in the next round
- E. **No ranking for a continuing candidate.** In any round, if a voter has not ranked any continuing candidate, the ballot is deemed exhausted for that contest, and no subsequent candidate rankings marked on that ballot are counted.
- F. **Ties.**
 - i. In the event of a tie for last place (and thus elimination) at the end of a round, the tie shall be broken by eliminating the candidate(s) who received the least number of votes in the immediately previous stage of the tabulation.
 - ii. In the case of a tie to which a previous stage does not apply, or such previous stage was also a tie, the tie shall be resolved by drawing lots.
 - iii. Notwithstanding the foregoing, if each candidate tied for last place at the end of a round has no mathematical possibility of winning the race, all of those tied candidates shall be eliminated. Candidates with no mathematical possibility of winning are any two or more candidates whose combined total of votes is less than the votes credited to the candidate with the next greatest number of votes cast.
 - iv. If a tie occurs between the two candidates with the highest number of votes at the end of the tabulation, the City Clerk shall determine the winner in public by lot.

Section 7. Secure storage.

At the end of the tabulation, all media and ballot materials must be securely stored and ultimately destroyed in accordance with 21-A M.R.S. Sections 23 & 698.

References

- City of Westbrook Charter, Article 6, *Elections*
- 29-250 Chapter 535
- 29-250 Chapter 536

Signed:



Angela Holmes, CMC/CCM
Asst. City Administrator/City Clerk & Registrar of Voters

10/28/2024
Date