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

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

A. [PL 2023, c. 304, Pt. A, §14 (RP).]

B. "Continuing ballot" means a ballot that is not an exhausted ballot. [IB 2015, c. 3, §5 (NEW); IB 2015, c. 3, §6 (AFF).]

C. "Continuing candidate" means a candidate who has not been removed from consideration and is not an excluded candidate. [PL 2025, c. 363, §5 (AMD).]

C-1. "Excluded candidate" means a candidate who is listed on the ballot or has qualified as a declared write-in candidate, but has died, been disqualified or withdrawn less than 70 days before the election. [PL 2025, c. 363, §6 (NEW).]

D. "Exhausted ballot" means a ballot that does not rank any continuing candidate, contains an overvote at the highest continuing ranking or contains 2 or more sequential skipped rankings before its highest continuing ranking. [IB 2015, c. 3, §5 (NEW); IB 2015, c. 3, §6 (AFF).]

E. "Highest continuing ranking" means the highest ranking on a voter's ballot for a continuing candidate. [IB 2015, c. 3, §5 (NEW); IB 2015, c. 3, §6 (AFF).]

F. "Last-place candidate" means the candidate with the fewest votes in a round of the ranked-choice voting count. [PL 2019, c. 320, §9 (AMD).]

G. [PL 2023, c. 304, Pt. A, §15 (RP).]

H. "Overvote" means a circumstance in which a voter has ranked more than one candidate at the same ranking. [IB 2015, c. 3, §5 (NEW); IB 2015, c. 3, §6 (AFF).]

H-1. "Ranked-choice voting count" means the ranked-choice counting process described in this section and in rules adopted by the Secretary of State. [PL 2019, c. 320, §10 (NEW).]

I. "Ranking" means the number 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 2 is the next-highest ranking and so on. [IB 2015, c. 3, §5 (NEW); IB 2015, c. 3, §6 (AFF).]

J. "Round" means an instance of the sequence of vote counting steps established in subsection 2 and in rules adopted by the Secretary of State. [PL 2019, c. 320, §11 (AMD).]

K. "Skipped ranking" means a circumstance in which a voter has left a ranking blank and ranks a candidate at a subsequent ranking. [IB 2015, c. 3, §5 (NEW); IB 2015, c. 3, §6 (AFF).]

[PL 2025, c. 363, §§5, 6 (AMD).]

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

A. If there are 2 or fewer continuing candidates, the candidate with the most votes is declared the winner of the election. [IB 2015, c. 3, §5 (NEW); IB 2015, c. 3, §6 (AFF).]

B. If there are more than 2 continuing candidates, the last-place candidate is removed from consideration and a new round begins. [PL 2023, c. 628, §2 (AMD).]

[PL 2025, c. 363, §7 (AMD).]

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

[PL 2025, c. 363, §8 (NEW).]

3. Ties. A tie under this section between last-place candidates in any round must be decided by lot, and the candidate chosen by lot is removed from consideration. The result of the tie resolution must be recorded and reused in the event of a recount. A tie between candidates for the most votes in the final round must be decided as provided in section 732.

[PL 2023, c. 628, §3 (AMD).]

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

A. The number of allowable rankings may be limited to no fewer than 5. [PL 2019, c. 320, §14 (AMD).]

B. [PL 2023, c. 304, Pt. A, §16 (RP).]

[PL 2023, c. 304, Pt. A, §16 (AMD).]

5. 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 determined by ranked-choice voting is the number of votes credited to that candidate after the initial counting in the first round described in subsection 2.

[PL 2017, c. 316, §9 (AMD).]

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

[PL 2019, c. 320, §15 (AMD).]

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

[PL 2023, c. 304, Pt. A, §18 (AMD); PL 2023, c. 304, Pt. A, §39 (AFF).]

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

[PL 2023, c. 304, Pt. A, §19 (NEW).]

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

[IB 2015, c. 3, §5 (NEW); IB 2015, c. 3, §6 (AFF).]

7. Procedures for using ranked-choice voting when National Popular Vote for President Act governs. In a presidential election determined by ranked-choice voting when the National Popular

Vote for President Act governs the appointment of presidential electors, the following procedures are used to determine the presidential vote count, except that, notwithstanding subsection 3, a statewide tie between the candidates in the final round may not be resolved and the provisions of subsection 4 regarding the modification of the ballot and count are permitted.

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

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

(2) "Final round" means the round that ends with the result described in paragraph C, subparagraph (1). [PL 2023, c. 628, §4 (NEW).]

B. If no presidential slate initially receives more than 50% of the first-choice votes, the ranked-choice voting count must be conducted under the supervision of the Secretary of State for successive rounds. [PL 2023, c. 628, §4 (NEW).]

C. The ranked-choice voting count must proceed in rounds. In each round, the number of votes for each continuing presidential slate must be counted. Each continuing ballot counts as one vote for its highest-ranked continuing presidential slate for that round. Exhausted ballots are not counted for any continuing presidential slate.

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

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

(2) If there are more than 2 continuing presidential slates, the last-place presidential slate is removed from consideration and a new round begins. [PL 2023, c. 628, §4 (NEW).]

[PL 2023, c. 628, §4 (NEW).]

SECTION HISTORY

IB 2015, c. 3, §5 (NEW). IB 2015, c. 3, §6 (AFF). PL 2017, c. 316, §§8-10 (AMD). PL 2019, c. 320, §§9-15 (AMD). PL 2019, c. 539, §3 (AMD). PL 2019, c. 539, §6 (AFF). PL 2021, c. 273, §11 (AMD). PL 2021, c. 750, §11 (AMD). PL 2021, c. 750, §14 (AFF). PL 2023, c. 304, Pt. A, §§14-19 (AMD). PL 2023, c. 304, Pt. A, §39 (AFF). PL 2023, c. 628, §§1-4 (AMD). PL 2025, c. 363, §§5-8 (AMD).

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