

STATE OF MAINE
KENNEBEC, ss

SUPERIOR COURT
CIVIL ACTION
CV-18-51

SENATE OF MAINE,

Plaintiff

vs.

MATTHEW DUNLAP, in his capacity
as Maine Secretary of State,

Defendant

**REPORT OF THE KENNEBEC
COUNTY SUPERIOR COURT
TO THE LAW COURT PURSUANT
TO RULE 24(a) OF THE MAINE
RULES OF APPELLATE PROCEDURE**

and

THE COMMITTEE FOR RANKED-
CHOICE VOTING, LUCAS ST. CLAIR,
MARK EVES, DIANE RUSSELL,
BETSY SWEET and BEN CHIPMAN

Intervenors.

The Kennebec County Superior Court is of the opinion that questions of law have been presented to it that are of sufficient importance or doubt to justify a report to the Law Court for determination pursuant to Rule 24(a) of the Maine Rules of Appellate Procedure.

The Court further finds that all parties appearing, including Intervenors, agree to the report; that there is agreement as to all facts material to the appeal; and that the decision by the Law Court would, in at least one alternative, finally dispose of the above-captioned action.

The following Questions are therefore reported to the Law Court this day, April 11, 2018, along with the Stipulated Record, by the undersigned Justice of the Maine Superior Court:

1. Has the Senate proven, on the Stipulated Record appended hereto, that the Secretary of State's commitment or expenditure of funds for the purpose of implementing ranked-choice voting in the June 12, 2018 primary election constitutes a violation of the Legislature's appropriation authority or the Separation of Powers clause in the Maine Constitution, Article III, § 2, where the appropriation for the Secretary of State in the biennial budget law (P.L. 2017, c. 284) does not contain language explicitly referencing ranked-choice voting and the enactment of P.L. 2017, c. 316 was partially suspended by a People's Veto Petition?

2. Has the Senate proven, on the Stipulated Record appended hereto, that the current statutory framework, including without limitation 21-A M.R.S. § 723-A, does not provide sufficient authority for the Secretary of State to arrange for the retrieval and transport of ballots cast by voters at the June 12, 2018 primary election from municipalities to a central location in order to determine the winners of the election by ranked-choice voting?

3. Has the Senate proven, on the Stipulated Record appended hereto, that the current statutory framework, including without limitation 21-A M.R.S. §§ 1(27-C), 1(35-A), 339, 695, 722(1), 723(1), some of which are suspended by the filing of the People's Veto

Petition pursuant to the Constitution of Maine, art. IV, pt. 3, § 17, prohibits determining the winners of the June 12, 2018 primary election by ranked-choice voting?

4. Has the Senate shown that it has standing to bring any and all of the legal claims set forth in its Complaint?
5. Has the Senate shown that any or all of the legal claims set forth in the Senate's Complaint are justiciable under the political question doctrine?
6. Has the Senate shown that any or all of the legal claims set forth in its complaint are ripe for adjudication?
7. Has the Senate identified a cause of action for any of the legal claims set forth in its Complaint?

7/10/18

DATE

Michaela Murphy

MICHAELA MURPHY
JUSTICE, SUPERIOR COURT