



Testimony in Opposition of LD 1422:
“An Act Regarding Open Primary Elections and Ranked-choice Voting”

Senator Hickman, Representative Supica, and the distinguished members of the Committee on Veterans and Legal Affairs, my name is Harris Van Pate, and I serve as policy analyst for Maine Policy Institute. Maine Policy is a free-market think tank, a nonpartisan, nonprofit organization that advocates for individual liberty and economic freedom in Maine. Thank you for the opportunity to submit testimony in opposition to LD 1422, “An Act Regarding Open Primary Elections and Ranked-choice Voting.”

At its core, this bill would significantly alter Maine’s electoral process by eliminating party-specific primaries for Governor, U.S. Senate, U.S. House of Representatives, State Senate, and State House races. All candidates—regardless of party enrollment—would appear on a single primary ballot, and all voters—regardless of enrollment—would be able to cast votes in that election.

While proponents may frame this as a move toward greater inclusion and electoral participation, the consequences of such a shift would be deeply harmful to the principles of representative democracy, party integrity, and electoral clarity.

Undermines Political Parties and Voter Choice

Political parties play a critical role in organizing civic participation and representing coherent policy visions. By forcing parties to compete in an open primary with non-members, the bill effectively dilutes their ability to choose their own nominees. Just as no private organization should be compelled to allow outsiders to select its leaders, political parties—recognized by Maine law—deserve the autonomy to determine their own standard-bearers.

This is not a radical position: the U.S. Supreme Court has affirmed the right of political parties to control their nominating processes in cases such as *California Democratic Party v. Jones* (2000), where it struck down a similar blanket primary law on First Amendment grounds.¹ In that case the Supreme Court ruled 7-2 that a similar forced open primary law was unconstitutional. This was because forcing political parties to accept non-members in their primaries infringed on their associational rights, since it could dilute the parties' ability to choose candidates who represented their values.

¹ <https://www.oyez.org/cases/1999/99-401>



Further Entrenching Ranked-Choice Voting, a Confusing and Disenfranchising Process

This bill would extend RCV—a deeply flawed system already proven to be problematic in Maine—into even more of our elections. Ranked-choice voting has been shown to increase ballot exhaustion, delay results, and confuse voters. Candidates can be eliminated even if they are the most popular in the first round, and “winners” may not even appear on the “majority” of ballots after rounds of reallocation.

This is not merely hypothetical. In the 2018 2nd Congressional District race, Maine’s RCV system overturned the first-round plurality winner.² That experience fueled distrust and frustration among voters—feelings that this bill would now expand statewide and into general elections for federal offices.

Opens the Door to Strategic Manipulation and Reduces Electoral Clarity

An open, top-two or top-four primary system invites strategic voting and candidate manipulation. Powerful special interests can fund “spoiler” candidates or use vote-splitting tactics to crowd out certain parties from the general election. Worse, voters may be denied a genuine choice between contrasting ideological visions—being instead forced to choose between candidates with marginal differences who do not reflect the full political spectrum.

Rejects the Will of Other States and Voters

The open primary and RCV model is far from widely accepted. In fact, it has faced rejection across the nation. Massachusetts voters resoundingly rejected RCV in 2020,³ and Alaska^{4 5}—the only other state to implement a similar system—now faces a growing movement to repeal it, with a near repeal from last year’s ballot, and another voter already scheduled for 2026. Furthermore, thirteen states, such as Idaho, Tennessee, and West Virginia, have banned RCV statewide.^{6 7} Maine’s electoral system should not be an

² www.npr.org/2018/11/15/668296045/ranked-choice-voting-delivers-another-victory-to-house-democrats

³ [https://ballotpedia.org/Massachusetts_Question_2,_Ranked-Choice_Voting_Initiative_\(2020\)](https://ballotpedia.org/Massachusetts_Question_2,_Ranked-Choice_Voting_Initiative_(2020))

⁴ [https://ballotpedia.org/Alaska_Ballot_Measure_2,_Repeal_Top-Four_Ranked-Choice_Voting_Initiative_\(2024\)](https://ballotpedia.org/Alaska_Ballot_Measure_2,_Repeal_Top-Four_Ranked-Choice_Voting_Initiative_(2024))

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<https://alaskabeacon.com/briefs/new-petition-can-start-signature-gathering-for-repeal-of-ranked-choice-voting-open-primaries-alaska-lt-governor-says/>

⁶ <https://news.ballotpedia.org/2024/07/16/more-states-banned-ranked-choice-voting-in-2024-than-any-other-year/>

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<https://news.ballotpedia.org/2025/03/25/thirteen-states-have-now-banned-ranked-choice-voting-as-municipalities-decide-on-whether-to-adopt-it/>



experimental outlier, especially when the alleged benefits are unproven and the risks to trust in elections are significant.

Conclusion

For these reasons, the Maine Policy Institute strongly urges the Committee to vote “Ought Not to Pass” on this legislation. Electoral integrity, clarity, and party self-governance must be preserved if we are to maintain public trust in our democratic institutions. Thank you for your time and consideration.