

Phyllis Capanna
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LD 1666

I am writing in support of LD1666 - An Act to Include in the Ranked-choice Election Method for General and Special Elections the Offices of Governor, State Senator and State Representative and to Make Other Related Changes

Ranked Choice Voting (RCV) is the best method to ensure a race with three or more candidates results in a majority winner. The RCV movement in Maine started as a way to address a gubernatorial candidate with less than 40% of the vote winning the election.

Of the past 13 races for governor in Maine, only 4 have been won by a majority vote, and 3 of those were incumbents. This means that in 9 of the last 13 elections, the winner received less than 50% of the vote. Five of the 13 winners had less than 40% of the vote.

When the RCV was approved by voters in Maine, an advisory opinion by the Maine Supreme Court in 2017 concluded that RCV conflicted with the plurality language in the Maine State Constitution, which prevented the use of RCV for legislative and gubernatorial general elections.

However, the Alaska Supreme Court ruled in August 2024 that RCV elections comply with plurality requirements, and their decision states that the Maine Supreme Court got this question wrong in its 2017 advisory opinion, which prevented the use of RCV for legislative and gubernatorial general elections.

The Maine Supreme Court should reconsider its advisory opinion from eight years ago and clarify that the plurality winner is the winner of the final RCV tally, not the candidate with the most first-place rankings.

Applying RCV to all state level elections in Maine would lead to fairer elections, eliminate spoilers, and give voters greater say in the outcome.

Respectfully submitted,
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