



### **Testimony in Opposition to LD 1666:**

**“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”**

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, non-profit organization that advocates for individual liberty and economic freedom in Maine. Thank you for the opportunity to submit testimony in strong opposition to LD 1666.

LD 1666 seeks to expand ranked-choice voting (RCV) to Maine’s general and special elections for Governor, State Senator, and State Representative. In doing so, it attempts to circumvent the Maine Supreme Judicial Court's advisory opinion, which made it clear that using ranked-choice voting for these offices would violate the Maine Constitution’s plurality requirement.<sup>1</sup> Rather than adhering to our foundational legal document or trying to amend it, this bill would distort the Constitution’s language by redefining "plurality" to fit a political agenda, thereby undermining the rule of law and the integrity of our elections.

The Maine Constitution, Article IV, Part First, Section 5; Part Second, Section 4; and Article V, Part First, Section 3 explicitly require that elections for these offices be determined by a plurality of votes, meaning the candidate with the highest number of votes wins.<sup>2</sup> Maine's highest court has affirmed this interpretation would disallow the application of RCV to these positions. LD 1666 attempts to sidestep this ruling by redefining "plurality" to mean the result of a ranked-choice process—a precise and disingenuous manipulation of language that violates both the letter and spirit of our Constitution.

Additionally, until the final tally of the election, it redefines the sorted votes as “ballots” to circumvent the definition of plurality votes. Lastly, it renames plurality elections as “single-choice voting” elections, again attempting to circumvent the clear intention of the Maine Supreme Court’s ruling. Just like how one can not circumvent the constitutional guarantee of a fair trial by renaming trials to be “judicial proceedings,” it is wholly inappropriate and legally dubious to circumvent plurality requirements by redefining the word “plurality.”

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<sup>1</sup> [https://ballotpedia.org/Maine\\_Supreme\\_Judicial\\_Court\\_advisory\\_opinion\\_on\\_ranked-choice\\_voting](https://ballotpedia.org/Maine_Supreme_Judicial_Court_advisory_opinion_on_ranked-choice_voting)

<sup>2</sup> <https://legislature.maine.gov/doc/9050>



Such a maneuver is not only legally dubious, but also deeply irresponsible. It erodes trust in our electoral system, invites costly litigation, and further politicizes the election administration process. Rather than respect the judicial process and constitutional law, proponents of LD 1666 seek to impose a convoluted election system that has already been shown to confuse voters, delay results, and suppress confidence in elections.

Moreover, ranked-choice voting is not the panacea its advocates claim it to be. Empirical evidence shows that RCV leads to higher rates of ballot exhaustion, disenfranchising voters whose ballots are discarded before the final tally. Studies from jurisdictions like San Francisco and Maine's own Second Congressional District show that voters are often less likely to complete their ballots fully, disproportionately harming vulnerable populations such as the elderly, lower-income citizens, and those for whom English is a second language.<sup>3</sup>

We must recognize the practical consequences: In 2018, during Maine's first ranked-choice voting (RCV) congressional election, nearly 10,000 ballots were discarded before the final round of tabulation. Every exhausted ballot represents a voter whose voice was silenced by the system, not because they failed to vote, but because the complexity of RCV invalidated their choices.

Despite assertions that the system is simple and clear, widespread confusion and some misreporting surrounded the 2024 Second Congressional District Election.<sup>4</sup> This was caused by the widespread belief that RCV runoffs don't trigger when a candidate gets the majority of the votes cast for the major candidates.<sup>5</sup> However, in reality, RCV triggers if no candidate receives the majority of all ballots, including blank first choices.

Finally, this bill would further divide Mainers at a time when confidence in our elections is already incredibly fragile. If we hope to maintain a vibrant democracy, we must safeguard transparency, simplicity, and faith in electoral outcomes, rather than replacing them with confusing and unconstitutional experiments.

For these reasons, Maine Policy Institute strongly urges the Committee to vote "Ought Not to Pass" on LD 1666. Thank you for your time and consideration.

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<sup>3</sup> <https://mainepolicy.org/false-majority/>

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<https://www.themainewire.com/2024/11/maine-cd-2-its-a-ranked-choice-voting-disaster-of-democrats-own-making/>

<sup>5</sup> <https://mainepolicy.org/maine-legislator-looks-to-fix-maines-ranked-choice-voting-law/>