



VIA EMAIL ONLY

April 24, 2025

Maine State Legislature
Veterans and Legal Affairs Committee

RE: Written Testimony in Support of LD 1666

Dear Legislators:

Thank you for the opportunity to provide testimony in support of LD 1666. My name is Scott Kendall, and I am an attorney living and practicing in Anchorage, Alaska. Relevant here, I was the primary author of Alaska's "Better Elections" ballot measure, which was enacted by voters in 2020, and I was also the attorney who successfully defended the measure before the Alaska Superior and Supreme Courts.

Alaska's "Better Elections" initiative was a three-part reform implementing: 1) additional campaign disclosure requirements; 2) an open primary, in which the top four vote getters move on to the general election; and 3) ranked-choice voting for general elections. This measure allows ranked-choice voting for *all candidate elections* run by the state of Alaska, including: state legislative races, the governor/lieutenant governor's race, and all federal races (U.S. House, U.S. Senate, and President).

Maine's current application of RCV to general elections is inadequate and imperfect. The system only uses RCV for federal offices, and not state offices. This status quo is confusing to voters and also deprives them of the benefits of RCV for state-level races.

In Alaska, our nonpartisan elections system has led to reduced gridlock and a more functional state legislature, which is currently led in both the state senate and state house by bipartisan governing majorities.

Maine should enact LD 1666 in order to implement RCV in elections for state offices and to standardize its election systems.

I am aware that in 2017 the Maine Supreme Court issued a non-binding advisory opinion declaring that RCV cannot be used for state offices due to plurality language in the state constitution. The Court's opinion on this issue was erroneous. Nothing in the Maine Constitution compels this outcome.

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Plurality provisions are entirely consistent with RCV. In fact, Alaska's constitution contains a plurality provision for election of our governor and lieutenant governor. Yet when application of RCV to such elections was challenged, the Alaska Supreme Court definitively concluded that RCV and plurality provisions are harmonious. In this decision—*Kohlhaas et al v. State of Alaska and Alaskans for Better Elections*, 518 P.3d 1095 (Alaska 2022)—the Alaska Supreme Court specifically analyzed the Maine Supreme Court's 2017 opinion and found it unconvincing.

This committee should not allow the erroneous and outdated Maine Supreme Court opinion to be a barrier to this important reform. Please advance and pass LD 1666. This critical legislation will expand the power of Maine's voters and allow the benefits of RCV to be felt in elections for state offices.

Should this committee have any questions or concerns regarding this testimony, please do not hesitate to contact me.

Sincerely,

// scott kendall

Scott Kendall
Attorney
scott@cashiongilmore.com
(907) 339-4967 (direct)
(907) 222-7938 (fax)