Department of the Secretary of State

Bureau of Corporations, Elections and Commissions

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JOINT STANDING COMMITTEE ON VETERANS AND LEGAL AFFAIRS

Testimony of Shenna Bellows, Secretary of State
Department of the Secretary of State

March 3, 2025

Testifying in opposition to

L.D. 656 "An Act to Save Tax Dollars in Maine's Elections by Amending the Laws Governing When a Ranked-choice Voting Count Must Be Conducted"

Senator Hickman, Representative Supica and Members of the Joint Standing Committee on Veterans and Legal Affairs, my name is Shenna Bellows, I live in Manchester, and I am the Secretary of State. I am speaking today against L.D. 656 as proposed by the sponsor amendment posted recently.

First, we oppose the proposed amendment to L.D. 656 because it reintroduces batch elimination to ranked choice voting tabulations, which was just repealed from Maine law in 2023. It was done so on an emergency basis in the Department bill, which was so widely supported that it received a unanimous Ought To Pass as Amended in committee and faced no roll calls in either chamber. There is no reason to return to batch elimination. It does not save the state time or money to do batch elimination, and we have greater detail about the voters' intents when we use round-by-round elimination.

The reason batch elimination was eliminated in 2023 is easily understood by quoting from Deputy Secretary of State Julie Flynn's testimony at that time about why counting and reporting candidates separately is important:

> ...This is critically important for the Presidential Primary election, in which each party has different rules about how delegates are apportioned to candidates who receive a certain percentage of the votes cast. In the last Legislature, a new batch elimination rule was set for the Presidential Primary election stating that batch elimination could not be used for any candidate who received more than 100 votes; however, for primaries for other offices, batch elimination would still be required. This change would require us to have 2 different algorithms (or versions of the RCV counting software) written and tested before 2024. Since we have to update the software this year anyway, it seemed more prudent to remove the batch elimination rule entirely, allowing us to use one version of the RCV software for all races. Even though batch elimination might seem to speed up the RCV counting process, the reality is that the software algorithm generates the results in about 1 minute, regardless of whether batch

elimination is used or not. Eliminating only one candidate at a time and transferring the second-choice votes on these ballots to the continuing candidates as proposed here, allows the parties to see how many votes each candidate received before elimination. This facilitates the different rules and minimum vote thresholds that each party may adopt for delegate apportionment, while not impacting the overall use of RCV for the count and allowing us to use the same algorithm for the count whether the election is for a Presidential Primary, a State Primary or the General Election for the offices of U.S. Senator or U.S. Representative to Congress.

Additionally, it appears the sponsor is attempting to reduce the number of ballots in the pool of votes that a candidate must win a majority of in order to in a ranked-choice election, in order to minimize the need to conduct a ranked-choice tabulation. We oppose this because it would needlessly add a layer of complication that would need to be explained to voters. Sometimes voters leave a round blank and make a choice for a viable candidate in a subsequent round. That is fine.

On both points, continuously changing the way we conduct ranked choice voting undermines predictability and stability for voters, candidates, election administrators and the press. This is a disservice to all of these groups when the solutions are proposed for issues that do not exist. I urge the committee to vote ought not to pass on L.D. 656.

Thank you for the opportunity to testify, and I am happy to answer any questions you may have.