



TO: The Honorable Craig Hickman  
The Honorable Laura Supica, Co-Chairs  
Members of the Joint Standing Committee on Veterans and Legal Affairs

DATE: March 3 , 2025

RE: LD 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

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Good morning Senator Hickman, Representative Supica, and members of the Joint Standing Committee on Veterans and Legal Affairs,

My name is Debra McDonough, and I'm a resident of Scarborough. I'm here today as a volunteer with the League of Women Voters of Maine to testify *in opposition* to LD 656 as amended.

The League of Women Voters of Maine is a nonpartisan political organization that has been defending democracy for over 100 years. Through a process of member engagement and consensus, we adopted a position in support of Ranked Choice Voting, and we have been among its leading proponents in Maine for over a decade.

The proposed amendment to this bill would reinstate "batch elimination," which was in the original RCV law. It was eliminated from the law in deference to the parties' need for round-by-round detail for delegate apportionment coming out of their primary elections. In practical terms, reinstating batch elimination does not save any time -- the round-by-round tabulations are all done in an instant by tabulating software. Batch elimination is just a matter of collapsing the summary report, which obscures the round-by-round details.

As amended, this bill seems to suggest excluding ballots with a "blank" in that round.<sup>1</sup> While we oppose this proposed solution, we can see why the sponsor thinks there is a problem.

The current approach in the media and elsewhere to reporting write-in votes and blanks in RCV contests contributed to some confusion surrounding the 2024 race in CD2. Early reports gathered by the media included only the votes cast for the two leading candidates, something like this:

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<sup>1</sup> In addition to our objection to ignoring ballots with a blank ranking on principle, as outlined in this testimony, the amended language seems to confuse ballot rank and tabulation round, which may make it difficult or impossible to implement.

Candidate	Party	Votes	Pct
Jared Golden	DEM	196,349	50.3%
Austin Theriault	GOP	194,064	49.7%
		390,413	

This presentation made it look as though Golden had an outright majority, but it left out first-choice blanks and write-ins.

Some outlets did later add a count of votes for the declared write-in, but those 420 votes were not sufficient to justify an RCV count, resulting in further confusion. First-choice blanks were the missing element, comprising almost 12,000 ballots. Any of those might contain a valid second choice for a listed candidate. Those votes would be counted in the first round of an RCV tabulation, and they could change the outcome.<sup>2</sup>

It might have been helpful if the media had collected a more complete set of tallies including separate counts for true blanks and all votes for write-ins (whether declared or undeclared). This kind of reporting contributes to public understanding of how RCV works and fosters transparency about how RCV preferences are tallied:<sup>3</sup>

Candidate	Party	Votes	Pct
Jared Golden	DEM	196,349	48.8%
Austin Theriault	GOP	194,064	48.2%
Diane Merenda - Declared Write-in		420	0.1%
Other Write-in		1,601	0.4%
Blank		10,251	2.6%
Total		402,685	100.0%
Overvote		251	

<sup>2</sup> Current practice treats any votes for undeclared write-ins as blanks and combines true blanks and these other write-ins into one category. The proposed amendment would nullify all of those.

<sup>3</sup> The vote count for Diane Merenda comes from media reports. Other counts are from our analysis of the cast vote record, as posted on the Secretary of State's [Election Results](#) page.

Reporting like this would have made it clear to the public that neither candidate had over 50% of the election night ballots. Reporters could have pulled most of this election night data from the scanner tape totals or from the tally reports produced by local election officials. For the future, the tally reports produced by local election officials – for RCV contests as well as plurality contests – might also be altered to directly reflect these categories.

We can't know why some voters chose an undeclared write-in or "blank" as their first choice – essentially saying, "My first choice is none of the above." But if they marked a listed candidate as their second choice, an RCV count would pick up the voter's preference in the first round.

We object to any proposal that would disenfranchise those voters by declaring a winner without considering their full ballot. This race was unusual in that it was close enough that those second ranks could have affected the outcome. It didn't turn out that way: after the RCV count, Golden's lead actually increased. But we wouldn't have known without looking.

The official results in this race could only be determined by completing an RCV count. Doing an RCV count is the default in elections where ranked-choice voting is used. When voters are presented with an RCV ballot, the winner should always be determined by an RCV count. Maine allows for one possible shortcut: when one candidate has an insurmountable advantage of first-place rankings such that there is no mathematical possibility of any other candidate catching up, the secretary of state is permitted to declare the winner without a complete RCV tabulation. That happened this year in the race for U.S. Senate that Angus King won outright.

That was not the case in the CD2 race. Voters were presented with an RCV ballot because there were actually three candidates in that race including a declared write-in, Diana Merenda, who ran a low-level campaign in protest of the Israeli-Gaza war. She was able to run without risking a spoiler effect because of RCV. None of the three candidates, not Golden, not Theriault, not Merenda, had an outright majority of all the active ballots. Some 12,000 ballots had none of those three in the first rank. Those ballots were all reported as "blank." The voter intent on those so-called blank ballots is determined in Round 1 of an RCV tabulation.

It's a core principle of democracy: every vote counts. That's why it is so important to carry out the ranked-choice count in races like this. In an incredibly close election like this one, the League of Women Voters of Maine believed then and believes now that the Secretary of State correctly interpreted the law requiring an RCV count, and we believe that the law is correct in requiring it.

Every vote counts.