



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

DATE: April 24, 2025

RE: 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 Chang

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

My name is Al Cleveland. I am here today as the Advocacy Director of the League of Women Voters of Maine.

The League of Women Voters of Maine is a nonpartisan political organization that has been working for over 100 years to encourage informed and active participation in government, to increase understanding of major public policy issues, and to influence public policy through education and advocacy. We never support or oppose any political party or candidate.

The League of Women Voters of Maine is here in strong support of LD 1666 and has been advocating for RCV since 2011. This bill expands ranked choice voting to gubernatorial and legislative elections and affirms the will of Maine voters at the ballot box in 2016 and 2018. LD 1666 adjusts the language of RCV to be in line with the purpose of ranked choice voting and resolves concerns that the Maine Law Court justices had with its constitutionality. LD 1666 clarifies that in each round of ranking a candidate, voters are declaring a *preference* among those candidates. After all rounds are complete, it is clear which candidate has a plurality of votes.

On March 7, 2011 – just over fourteen years ago – LWVME issued its policy position supporting ranked choice voting in Maine. We support RCV because it:

- ✓ Gives voters more meaningful choices: Ranked choice voting supports a diversity of views among candidates.
- ✓ Eliminates spoilers and strategic voting: Ranked choice voting allows voters to support their favorite candidate without worrying that they might split their votes with like-minded voters and unintentionally help elect the candidate they like the least.
- ✓ Reduces negative campaigning: Voters are less likely to rank a candidate highly who is negative toward their preferred candidate.
- ✓ Reduces the influence of money in politics: By making negative advertising less effective, ranked choice voting reduces the need for, and influence of, money in politics.

This bill would give consistency to Maine voters in the voting process they are using for elections. In 2024, Maine successfully conducted ranked choice elections for the fourth consecutive election cycle. What we see is clear: a majority of voters like RCV and want it to continue to be a feature of Maine elections. Back in 2018 when RCV was first used in Maine, opponents predicted voter confusion and decreased participation. None of that

happened. Polls and surveys of voters have consistently shown that voters find RCV clear, easy, and empowering. In an October 2024 poll led by FairVote and the Bangor Daily News, 82% of respondents said that RCV was “very easy” or “easy” to use.

In 2017, the Maine Supreme Judicial Court issued an advisory opinion stating that the use of ranked choice voting likely contradicted provisions in the Maine constitution requiring that elections be decided by a “plurality” of the vote¹. The court reasoned that according to the Constitution, the “candidate who receives a plurality of the votes would be declared the winner” after the first round of tabulations in an election contest.

In November, 2020, Alaska voters approved legislation creating ranked choice voting for certain offices in that state. Opponents challenged the law arguing that the Alaska constitution’s plurality requirement did not allow for the use of ranked choice voting. Opponents sought an opinion in line with the 2017 advisory opinion of the Maine SJC. After a full hearing and lengthy discussion of the issue, the Alaska Supreme Court found that their law did not violate the plurality language of the Alaska Constitution². The Alaska Supreme Court (page 49-50) criticized and directly rejected the reasoning of the Maine Supreme Judicial Court:

Yet the Maine Supreme Judicial Court treated the result obtained after the first round of counting as if it were final, without pointing to any text in its constitution that requires votes to be counted in that way or that limits the way a vote can be cast or expressed. . . . The court’s failure to pinpoint constitutional text, structure, or policies inconsistent with ranked-choice voting leaves us unconvinced by its analysis.

The Alaska court reasoned that in an RCV election, the “vote” is not known after the first round of tabulation, and that therefore the first round only shows a plurality of *preferences*, not votes. The vote is only revealed after all the tabulations have occurred, at which point there will be a plurality winner (who will also have a majority of the votes counted in that round). The Alaska court directly and unequivocally dismissed the reasoning behind the non-binding opinion in Maine.

Because our RCV statute refers to each ranking as a “vote,” our statutory language may have contributed to the unfavorable opinion by our Court. As the Alaska court and others have made clear, the multiple separate rankings on a ballot are not multiple separate “votes.” The “vote” is the end result, and the first-round preference standing alone is not the voter’s “vote.” LD 1666 makes it explicit that each ranking does not constitute a vote, eliminating any ambiguity and harmonizing the constitutional plurality provision with the voters’ intention when enacting RCV. It also points the way toward a judicial reconsideration that can reconcile the SJC’s nonbinding 2017 analysis with the persuasive reasoning of the Alaska court.

Maine voters deserve to have the voting process they approved back in 2016. It is time to end the practice of using different voting systems for federal candidates and state candidates appearing on the same general election ballot. We ask this committee to vote ought to pass on LD 1666.

¹Maine Supreme Judicial Court. (2017, May). *Opinion of the Justices*, No. OJ-17-1

²Kohlhaas v. State, No. S-18210, 518 P.3d 1095 (Alaska 2022)