



TO: The Honorable Senator Joseph Baldacci Co-Chair
The Honorable Ann Matlack Co-Chair
Members of the Joint Standing Committee on State and Local Government

DATE: April 12, 2021

RE: LD 859 - An Act To Allow Municipalities To Use Ranked-choice Voting in Municipal Elections

Good morning Senator Baldacci and Representative Matlack and members of the Joint Standing Committee on State and Local Government.

My name is John Brautigam. I am here today as Counsel and Policy Advisor for 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.

I am testifying in support of LD 859 - An Act To Allow Municipalities To Use Ranked-choice Voting in Municipal Elections.

The League conducted an in-depth study of ranked choice voting approximately 10 years ago. That study led to the movement that eventually brought a citizen initiative for ranked choice voting in 2016. We have been engaged with the implementation of RCV through the last five years. We are pleased to see RCV increasingly accepted as the way we do elections in Maine. And we note that voters appreciate having the options that RCV provides to them.

It is clear that under current law, municipalities that have a charter may use a system such as RCV if they choose. Portland in fact has used RCV for over ten years pursuant to its City Charter. But the "plurality" standard – which the Law Court considers to be incompatible with RCV – applies in some circumstances to Maine municipalities. The following provisions of Title 30-A are relevant:

Section 2526 governs town elections, and reads as follows:

§2526. Choice and qualifications of town officials

Unless otherwise provided by charter, the following provisions apply to the choice and qualifications of town officials.

1. Manner of election. In a town with a population greater than 4,000, according to the last Federal Decennial Census, election shall be by plurality. Except as provided in section 2528, subsection 10, in a town with a population of 4,000 or under, election shall be by majority.

Section 2528(10) governs elections in town meetings, and reads as follows:

§2528. Secret ballot

The following provisions govern a town's use of a secret ballot for the election of town officials or for municipal referenda elections. A vote by secret ballot takes precedence over a vote by any other means at the same meeting.

...

10. Election by plurality vote; tie vote. Election must be by plurality vote. In the case of a tie vote, the meeting must be adjourned to a day certain, when ballots are again cast for the candidates tied for the office in question, unless all but one tied candidate withdraw from a subsequent election by delivering written notice of withdrawal signed by the candidate and notarized to the municipal offices within the 7-day period following the election. After the 7-day period has expired, the municipal officers shall call a run-off election between the remaining candidates by posting a warrant in the manner required for calling a town meeting. If only one candidate remains, that candidate is declared the winner and sworn into office. If the meeting is adjourned sine die before a tie vote is resolved or the tie vote is discovered after the meeting adjourns sine die and more than one candidate remains, a new meeting must be called to conduct a run-off election by the method described in this subsection.

And Section 2555 governs elections in cities, and reads as follows:

§2555. Election by plurality

In a city election, unless otherwise provided by municipal charter, the person who receives a plurality of the votes cast for election to any office is elected to that office.

So these various provisions would have to be considered in developing the full text of this concept bill.

Another important point to note is that municipal candidate elections could be multiple-winner elections. It is not difficult to use ranked choice voting in multiple-winner elections, but the rules of tabulation should be decided in advance. Municipal elections also present the opportunity to use proportional representation elections, which we recommend for your consideration as you delve further into this question. Proportional representation elections are where there are multi-seat elections and the parties win seats in proportion to the number of votes cast for them.

Thank you for the opportunity to testify. I would be happy to answer any questions from the Committee.