



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: Jan 27, 2022

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

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My name is Debra McDonough, and I am a resident of Scarborough and a volunteer with the League of Women Voters of Maine (LWVME), 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. On behalf of LWVME, I submit this supplemental testimony in support of LD 859, as amended by Rep. Seth Berry, the bill's sponsor.

As Maine voters have become more familiar with Ranked Choice Voting, they have begun to identify the effects of vote splitting and strategic voting in their local plurality elections. In addition, the "plurality bloc" (or "vote-for-N") method for filling multiple seats has faced numerous legal challenges under the Federal Voting Rights Act of 1965, drawing attention to the fact that this approach allows majority constituencies to effectively block minority representation.<sup>1</sup> In this environment, the League has begun fielding questions about the use of alternative voting systems in municipal elections. While municipalities governed by Charter are able to adopt alternative voting methods through the charter amendment process, all other municipalities are bound by state statutes on "Meetings and Elections" as found in Title 30-A, Chapter 121. Chapter 121 already allows non-charter towns to adjust many aspects of local governance, typically "at a meeting held at least 90 days before the annual meeting." This bill uses similar language to extend local control over the selection of an election method to these towns.

After a detailed review of the applicable provisions, we support the amended language submitted by the bill sponsor, which modifies only Title 30-A, Section 2528, Subsection 10 - Secret ballot, Election by plurality, tie vote.

What this bill would do:

- Permit a non-charter town to adopt an alternative voting method for municipal elections conducted using the "secret ballot", as described in Title 30-A, Section 2528. (Section 2528 describes elections conducted with pre-printed ballots.)
- Permit a non-charter town to adopt a tie-break method other than a run-off election scheduled for a later date. While state statute requires run-off elections in certain elections, other ties are

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<sup>1</sup> <https://campaignlegal.org/update/clc-report-encourages-every-state-pass-its-own-voting-rights-act>

resolved by lot. Non-charter towns do not currently have the option to choose an alternative. (Not only are run-off elections expensive and time-consuming, a run-off election would not be an appropriate resolution for a tie in an elimination round of a ranked choice contest.)

What this bill would not do:

- Require any town to adopt an alternative voting or tie-break method.
- Require any action by a town that does not want to make a change.
- Limit towns to specific voting methods. In this context, the phrases “different method” or “alternative method” include, but are not restricted to, single-winner ranked choice voting.
- Limit towns to specific tie-break methods. In this context the phrase “different method” includes, but is not limited to resolving a tie by lot.
- Permit the use of alternative voting methods in elections conducted using the “written ballot,” as described in Title 30-A, Section 2524. (This section describes elections in which voters hand-write their selection on a slip of paper during a town meeting. Per Title 30-A, Section 2528, towns currently using the written ballot can adopt the secret ballot . )

We do recommend adjusting the bill title to reflect the amended language and suggest “An Act to Give Municipalities More Options in Municipal Elections.”

We encourage you to support LD 589, so that non-charter towns are not prevented from choosing the voting method that best suits their needs.