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Testimony Presenting LD 202

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Implement Ranked-choice Voting

February 10, 2021

Good morning Sen. Luchini, Rep. Caiazzo and distinguished members of the Veterans and Legal Affairs Committee. My name is Dave Miramant, and I proudly represent all of the people of Appleton, Camden, Criehaven, Cushing, Friendship, Hope, Isle au Haut, Matinicus, Muscle Ridge Islands, North Haven, Owl's Head, Rockland, Rockport, South Thomaston, St. George, Thomaston, Union, Vinalhaven and Warren in the Maine Senate.

We are already using Ranked-Choice Voting in most of our elections after a long public education process and it is working well. The initial fears of confusion, or difficulty of processing ballots, fell away and the awareness that we get a choice about all the candidates in a race has been confirmed.

The problem I am addressing here comes from the response to questions of the Maine Supreme Judicial Court as follows:

On May 23, 2017, the Maine Supreme Judicial Court answered questions propounded by the Maine Senate pursuant to Article VI, Section 3 of the Maine Constitution. This advisory opinion focused on Maine Constitution Article IV, pt. 1, § 5, Article IV, pt. 2, § 4, and Article V, pt. 1, § 3. The Justices answered the Maine Senate's Question on whether or not ranked-choice voting violates the aforementioned constitution sections in the affirmative, unanimously ruling ranked-choice voting as unconstitutional in general elections.

In legislative action in response to the May 23 Opinion of the Justices, on November 4, 2017 An Act to Implement Ranked-choice Voting in 2021 became law without the Governor's signature as P.L. 2017, ch. 316. According to the bill summary, this law amended the ranked-choice voting law to bring it into compliance with the Constitution of Maine. This amendment applies ranked-choice voting to only primary elections for Congress, Governor, State Senator, and State Representative starting on December 1, 2021. The bill does not allow ranked-choice voting to be used for general and special elections for the offices of Governor, State Senator, or State Representative unless there is an amendment to the Constitution of Maine, Article IV, Part First, Section 5, Article IV, Part Second, Sections 4 and 5 and Article V, Part First, Section 3 that authorizes the Legislature, by proper enactment, to determine the method by which the Governor and members of the State Senate and House of Representatives are elected is ratified.

RCV is the law and is working for Maine. I hope you will help to remove any questions surrounding implementation in all races by allowing a vote that will remove any conflict between the Constitution and our statutes.

Thank you for your consideration, and I will try to answer your questions.