



# LEAGUE OF WOMEN VOTERS OF MAINE

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TO: The Honorable Senator Garrett P. Mason  
The Honorable Representative Louis J. Luchini, Co-chairs  
Members of the Joint Standing Committee on Veterans and Legal Affairs

DATE: October 16, 2017

RE: LD 1646 An Act To Bring Maine's Ranked-choice Voting Law into  
Constitutional Compliance

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Good morning. My name is Ann Luther. I'm the Advocacy Chair of the League of Women Voters of Maine, a volunteer, and a resident of Trenton. The League of Women Voters of Maine submits the following testimony in support of LD 1646.

The League of Women Voters of Maine supports election systems for offices in single seat elections that require the winner to receive a majority of the votes, as long as the majority is achieved by Ranked Choice Voting, rather than a second, separate runoff election.

Here's why the League supports Ranked Choice Voting (RCV):<sup>1</sup>

- RCV improves voting by allowing for a more complete expression of voters' views than the vote-for-one, "plurality" approach
- It ensures that the winner has broad, majority support
- It minimizes "strategic" voting
- It allows voters to express their sincere preferences among candidates
- RCV eliminates problems of spoiler candidates knocking off major candidates
- RCV does not require separate run-off elections
- It promotes civility in campaigns
- It may improve voter participation

Following the advisory opinion offered last spring by the Maine Supreme Judicial Court in response to the Senate's solemn occasion request, we must presume that full implementation of RCV in Maine requires a constitutional amendment. Because we support RCV, and because we are joined in this by a sizable majority of Maine voters<sup>2</sup>, we support such an amendment. Unfortunately, efforts to advance such a constitutional amendment failed during the first regular session. At the same time, efforts to repeal the law or reconcile it with the court's opinion also failed, leaving parts of the law on uncertain terrain.

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<sup>1</sup> Read the League of Women Voters' briefing paper on Ranked Choice Voting at <http://www.lwvme.org/files/lwvmeIRV.pdf>.

<sup>2</sup> Ranked Choice Voting was approved by the second largest referendum vote of the people in Maine's history with 383,660 yes votes.

Because RCV can affect who runs for office, how they run, and how they interact with voters during the campaign, it is important that we provide clarity and find a solution before the 2018 election is in full swing – not after the votes are cast.

The best option now – one that preserves the voters’ intent while also honoring the constitution – is to suspend the use of RCV in elections for the three offices where the Supreme Court found it unconstitutional: the general elections for State Representative, State Senate, and Governor. The legislature should allow RCV to proceed in the other elections covered by the new law – primary elections for state and federal office, and general elections for U.S. Congress and Senate. When and if voters pass a constitutional amendment in the future, the law could take effect for all elections.

We’ve heard the concern that voters would be unable to handle having both RCV and pick-one races on the same ballot. We are not persuaded. It’s done all the time in municipalities using RCV in Maine and around the country. Maine voters are as good as any. Voters will need education and training, it’s true. Let’s start now.

Voters asked for this reform under their right granted by the Maine state constitution. We may not be happy with the court’s decision in the solemn occasion, but we respect their authority to decide. Some of you may not be happy with the outcome of this referendum, but you should respect the authority of voters to decide. Such respect requires you to do your best to honor the will of those voters. Don’t undermine them by repealing provisions that are perfectly valid under the constitution and the court opinion.

Supporting this approach shows the voters that you heard their call for change and have acted responsibly to honor it. Doing so respects the will of the voters, respects the Maine state constitution and the democratic process, and advances the benefits for which Maine people endorsed this reform.

We support this bill and hope you will give it your support. This is a workable solution. In the end, the voters would win. And that should be the goal. To the greatest extent possible, voters should get the benefit of the system they overwhelmingly approved and the looming uncertainty would be lifted.