



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: June 2, 2017

RE: LD 1624 RESOLUTION, Proposing an Amendment to the Constitution of Maine To
Implement Ranked-choice Voting

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 1624.

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):¹

- RCV ensures a majority winner
- 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
- RCV is most likely to elect a candidate with broad appeal
- It may improve voter participation

In general, League members believe that the winner of single seat elections should be determined by a majority vote, and they support a system of Ranked Choice Voting for determining the majority winner. While there is strong support among our members for majority-winner elections, that support diminishes if the winner has to be determined by a traditional runoff election. Some of the factors that were important in diluting the consensus include:

- Increased opportunity for strategic voting during the original election
- Expense to the state and municipalities in conducting the run-off election
- Extending the campaign season
- Driving up the cost of campaign financing
- Loss of civility during the runoff election
- Potential for reduction in voter engagement and turnout in traditional runoff elections.

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

The League has long acknowledged that a constitutional question hangs over the implementation of ranked choice voting for Maine state offices.² Although we believed then and believe now in the arguments in favor of constitutionality, those arguments have now been subjected to due process, and did not prevail.

Following the advisory opinion offered last week by the Maine Supreme Judicial Court in 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, we urge this committee to advance a constitutional amendment to enable RCV to proceed.

Although the specific language presented in LD 1624 is one way to authorize RCV, we believe a better approach would be to amend the relevant constitutional provisions to remove the detailed and archaic instructions on election procedure, and authorize the legislature to decide election methodology and prescribe how results should be collated and tabulated. We would prefer language that allows, rather than requires, a different election standard, so long as the popular election provision is maintained. That way the constitution contains the appropriate guidance, while lawmakers provide the details of implementation within the constitutional bounds. This is sound lawmaking, in our view.

We have attached to our testimony alternative language that we feel better serves the public interest, and we hope you will consider it.

² See www.lwvme.org/RCV.html for information on the moot court that the League conducted in February, 2014.

AMENDMENT TO MAINE CONSTITUTION TO ALLOW FLEXIBILITY IN ELECTION METHODS

1. Article IV, Part 1, Section 5 is repealed and the following enacted in its place:

Section 5. Election of Representatives. The Legislature, or the people through the procedures described in Article IV, Part 3, Section 17, shall determine the method by which Representatives shall be selected by popular election.

2. Article IV, Part 2, Sections 3, 4, and 5 are repealed and the following enacted in their place:

Section 3. Election of Senators. The Legislature, or the people through the procedures described in Article IV, Part 3, Section 17, shall determine the method by which Senators shall be selected by popular election.

3. Article V, Part 1, Section 3 is repealed and the following enacted in its place:

Section 3. Election. The Legislature, or the people through the procedures described in Article IV, Part 3, Section 17, shall determine the method by which the Governor shall be selected by popular election.

SUMMARY

The purpose of this bill is to amend the Maine Constitution so as to provide the Legislature or the people of Maine with the power to modernize elections by repealing constrictive language specifying how the Governor and Legislature shall be elected and replacing it with a simple mandate for the Legislature or the people of Maine to specify how elections will be conducted, thus clearly permitting innovations like ranked choice voting and modernization of election administration; and to specify that the Governor and Legislature shall be selected by popular election, thus foreclosing the possibility of the Legislature assigning the right to select officers to itself or any body other than the people of Maine.