



TO: The Honorable Craig Hickman
The Honorable Laura Supica, Co-Chairs
Members of the Joint Standing Committee on Veterans and Legal Affairs

DATE: April 21, 2023

RE: LD 1594 - An Act to Provide for Voters Expressing Preferences in Ranked-choice Voting

Good morning Senator Hickman, Representative Supica.

My name is Anna Kellar. I'm a resident of Portland. I am here today as the Executive Director for the League of Women Voters of Maine.

The League of Women Voters of Maine is Maine's leading voice for a wide array of measures that would improve and strengthen our democratic process, including ranked choice voting. The League is testifying in support of LD 1594 - An Act to Provide for Voters Expressing Preferences in Ranked-choice Voting.

For many years the League has supported ranked-choice voting (RCV) as a voting method to give voters meaningful choices, eliminate spoilers, and reduce negative campaigning. Maine's ranked choice elections have worked as intended: voters have appreciated having the additional choice RCV affords, and election officials at the state and local level have done a great job with implementation.

LD 1594 is a housekeeping bill. It will not change how voters fill out their ballots, how ballots are processed, or how the winner is tabulated. It only makes changes in verbiage to clarify something that was not clear when the original RCV law was drafted approximately ten years ago.

So why is this bill needed? The interest in RCV around the country has grown significantly since Maine led the way with the first statewide RCV bill in 2016. Last year Alaska became the second state to conduct statewide RCV elections. Like Maine, voters in Alaska had no trouble navigating the RCV ballot, and they appreciated the opportunity to make their choices clear in races with more than two candidates.

As RCV has taken root in Alaska and elsewhere, we have seen a renewed focus on making sure that the legislative language accurately reflects how RCV is intended to work—and has worked—around the country. With RCV, the voter has one ballot and one vote in any election. But that one vote is not expressed by just checking a box on a conventional ballot. The vote is the opportunity to rank candidates, which means that a voter has the chance to register their preference as a first choice, second choice, and/or third choice. The net result after running the RCV tabulation to consider these ordered preferences is what is considered "the vote" for that voter. The first choice is just a preference, the second choice is just a preference, and so on. The "vote" is the final expression of those preferences as counted pursuant to the process in statute.

In 2022 the Supreme Court of Alaska issued a ruling that makes clear why the changes in LD 1594 are needed here in Maine. The Alaska court analyzed an RCV law much like Maine's. That Court looked carefully at how RCV operates and concluded that a "vote" is the holistic consideration of all of the voter's ordered preferences. The Court concluded that the initial preference is not the "vote" as in a conventional election. This logic and language should also be applied in Maine, and the statute should be clarified to reflect this improved understanding.

This language change is a natural result of the evolution of RCV and additional consideration given to questions that have arisen in this context over the years since the first RCV law was drafted. LD 1594 is not intended to change anything that voters or election officials do when using RCV, it won't change anything on the ballot, and it won't lead to any different result or final vote count in any RCV election.

We ask you to vote Ought to Pass to approve the language refinement in LD 1594.

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