

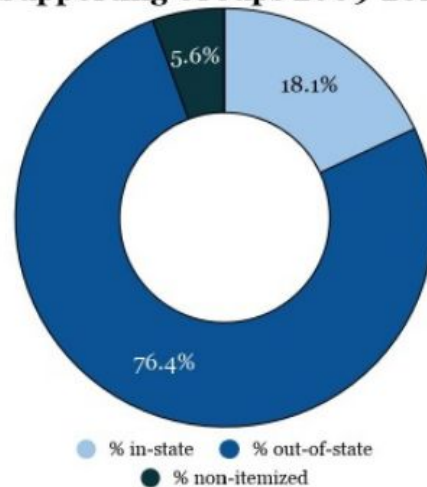
The Maine Heritage Policy Center Testimony to Support LD 1255 “RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require Referenda To Receive 60 Percent of the Vote To Become Law”

Senator Luchini, Representative Schneck and distinguished members of the Joint Standing Committee on Veterans and Legal Affairs, my name is Adam Crepeau and I serve as a policy analyst at The Maine Heritage Policy Center. Thank you for the opportunity to testify in support of LD 1255.

The Maine Heritage Policy Center supports increasing the threshold for a direct initiative to become law from a simple majority of the votes cast to 60 percent. Increasing the threshold would prevent a simple majority from passing laws that could harm minority populations. By increasing the threshold, it ensures direct initiatives have buy-in from more diverse interests in the state, resulting in more palatable legislation being approved by voters. For example, if proponents of Medicaid expansion needed 60 percent of the vote in 2017, their initiative would have needed to be more appealing to voters in order for it to pass.¹

In addition to Medicaid expansion, other initiatives such as the legalization of recreational marijuana, the increases to the minimum wage, ranked-choice voting, the 3 percent surtax on incomes over \$200,000 and increased funding to the Maine Clean Elections Fund would have failed at the ballot box if this bill had been law when they were on the ballot.² The Maine Heritage Policy Center released a report that showed between 2009-2017, more than 40 percent of all questions considered by voters faced no formal opposition but recorded supporting contributions.³

Figure 15: Funds Raised by Donor State Among Supporting Groups 2009-2017



MHPC analysis of MEC data, 2009-2017

¹ [https://ballotpedia.org/Maine_Question_2,_Medicaid_Expansion_Initiative_\(2017\)](https://ballotpedia.org/Maine_Question_2,_Medicaid_Expansion_Initiative_(2017))

² <https://www.maine.gov/sos/cec/elec/results/index.html>

³ <https://mainepolicy.org/project/willofthepeople/>

That same report also found more than 75 percent of all funds raised by groups supporting ballot questions between 2009 and 2017 were from out-of-state.⁴ LD 1255 might have mitigated this influence if 60 percent of the votes cast had been required for these initiatives to pass.

Proponents would have needed input from the opposing side to find common ground, which may have contributed to more moderate initiatives. Instead, the state has been subject to extreme initiatives such as increases to the minimum wage and the three percent surcharge on household incomes exceeding \$200,000. Not only are these initiatives extreme but they are examples of the majority passing laws that hurt minority groups in the state.

Lastly, direct initiatives could be passed in years that receive low turnout. For example, Question 1 in 2015 was passed with just 119,992 votes in an election that had 218,335 votes cast overall.⁵ This turnout model represents under 25 percent of the entire voting population.⁶ Therefore, only 12.5 percent of the voting population was required to pass legislation for all Mainers in the 2015 election. Increasing the vote threshold will result in a larger segment of the population deciding laws for the entire state.

In sum, increasing the vote threshold to 60 percent will ensure ballot questions reflect the ideas of a broader electorate, help mitigate the majority tyrannizing minority populations, and help prevent out-of-state interests from buying Maine elections. For those reasons, The Maine Heritage Policy Center urges the committee to vote, “Ought to Pass” on LD 1255. Thank you.

⁴Ibid.

⁵ <https://www.maine.gov/sos/cec/elec/results/2014-15/referendum.xlsx>

⁶ https://www.census.gov/library/visualizations/2016/comm/citizen_voting_age_population/cb16-tps18_maine.html