

**The Maine Heritage Policy Center
Testimony to Support LD 1332
“RESOLUTION, Proposing an Amendment to the Constitution
of Maine To Require State and Congressional Elections To
Be Decided by a Plurality of Votes Cast”**

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 1332.

The Maine Heritage Policy Center supports amending the Constitution of Maine to require state and congressional elections to be decided by a plurality of votes. This bill would return Maine’s voting system for state primaries and congressional elections to the traditional voting system. Ranked-choice voting was triggered in the democratic gubernatorial and congressional primaries and in the general election for the 2nd congressional district. In all of these elections, some voters’ votes did not count after Election day.

The design of ranked-choice voting exhausts ballots and excludes them from the final vote tally, meaning votes are essentially thrown away if an individual only voted for a single candidate, or multiple candidates, who are mathematically eliminated from contention. In the 2018 democratic gubernatorial primary election, 8,889 ballots were exhausted after the first round. These ballots represent seven percent of the 126,139 total votes cast for candidates. In essence, seven percent of the votes cast in that election were not reallocated to another candidate, and thus did not count in the final tally. In other words, if those voters did not vote on Election Day, the end result would have been the same.

One of the major talking points from advocates of ranked-choice voting is that it allows for a majority winner and prevents a candidate who receives less than a majority of votes in a crowded election from winning. However, of the handful of times that ranked-choice voting has been used in Maine, this new system has already proven that it can create faux majorities, debunking this argument.

A faux majority is created when enough ballots are exhausted (or thrown away) to allow a candidate to garner more than 50 percent of the vote. For example, in the 2018 general election for the Second Congressional District, 8,253 ballots were exhausted after the first round. These

ballots represent almost three percent of the total votes cast for a candidate (excluding exhausted ballots on Election Day). If exhausted ballots in the subsequent rounds of this ranked-choice voting election were counted in the final tally, Rep. Jared Golden would have received only 49 percent of the vote; less than a majority. But since exhausted ballots are excluded from the final denominator, Jared Golden received a “majority” with less than half of all votes cast on Election Day.

If the state of Maine wishes to award elections to candidates who receive a majority of the votes cast, a more fair approach and true approach would be to pursue a runoff election system. It would be more transparent to conduct a separate election, and the winner would receive a true majority. RCV asks voters to guess which candidate will be one of the “top two” vote receivers, in hopes that their vote counts in the final tally.

In conclusion, ranked-choice voting discounts votes and makes it possible for a candidate to win with a faux majority. Please consider this analysis when making a decision on LD 1332. The Maine Heritage Policy Center urges the committee to vote, “Ought to Pass” on this bill. Thank you.