

**STATE OF MAINE**

BEFORE THE JUSTICES OF THE  
SUPREME JUDICIAL COURT

DOCKET NO. OJ-26-1

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IN THE MATTER OF REQUEST FOR OPINION OF THE JUSTICES

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BRIEF OF DEPUTY SECRETARY OF STATE JULIE FLYNN SUBMITTED IN  
CONJUNCTION WITH THE QUESTION PROPOUNDED TO THE JUSTICES OF  
THE SUPREME JUDICIAL COURT BY THE MAINE LEGISLATURE ON  
FEBRUARY 10, 2026

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## **INTRODUCTION**

Deputy Secretary of State Julie Flynn respectfully submits the following brief pursuant to the Court’s Procedural Order of February 11, 2026, to assist the Justices in resolving the question propounded by the Legislature regarding the constitutionality of Legislative Document 1666, Senate Paper 660, “An Act to Include in the Ranked-choice Election Method for General and Special Elections the Offices of Governor, State Senator and State Representative and to Make Other Related Changes” (the “Act”). Deputy Secretary Flynn oversees the Bureau of Corporations, Elections, and Commissions and has administered elections for Maine since 1995. Deputy Secretary Flynn will oversee the day-to-day operations of the elections this year.

## **QUESTION PRESENTED**

The Maine Legislature has presented the following question:

Question: Does the method of arriving at a plurality of votes cast through the use of ranked-choice voting, as amended by L.D. 1666, in which a person’s vote is not determined until the final round of tabulation and in which the candidate with the highest continuing ranking on the most ballots after the final round of tabulation is determined to have received a plurality of votes cast, conform with the provisions of the Constitution of Maine, Article IV, Part First, Section 5; Article IV, Part Second, Section 4 and Section 5; and Article V, Part First, Section 3?

## SUMMARY

Deputy Secretary Flynn takes no position on whether the question propounded presents a “solemn occasion” pursuant to article VI, section 3 of the Maine Constitution. Nor does Deputy Secretary Flynn take a position on the law regarding that question. However, to assist the Justices, Deputy Secretary Flynn submits this brief to confirm that the changes to election law contemplated by the Act are fully administrable by the Secretary of State’s Office.

## ARGUMENT

Maine’s citizen-initiated ranked-choice voting law took effect in 2017. *See Me. Senate v. Sec’y of State*, 2018 ME 52, ¶ 4, 183 A.3d 749. Since that time, beginning with Maine’s June 12, 2018, primary election, *see id.* ¶ 8, the Secretary of State’s Office has employed ranked-choice voting in several state and federal elections. For the 2018, 2020, and 2022 election cycles, the Secretary’s Office implemented ranked-choice voting in the primary elections for the State Legislature and Governor, and in the primary and general elections for Maine’s Congressional seats. *See* 21-A M.R.S.A. § 1(27-C) (Supp. 2018), *repealed and replaced by* P.L. 2021, c. 273, § 1 (effective Oct. 18, 2021). In the 2024 election cycle, in addition to elections for the above offices, the Secretary’s

Office implemented ranked choice voting in the presidential primary and general elections. *See* 21-A M.R.S.A. § 1(27-C) (2024).

From these years of experience, both the Secretary's Office and local election officials are keenly familiar with the parameters, and process, for conducting elections using a ranked-choice voting system. By the same token, Maine has the necessary infrastructure in place—hardware, software, and rules for the secure transmission and counting of votes—to conduct ranked-choice tabulation for any statewide election. Accordingly, should the Justices determine that the Act is constitutional, the Secretary's Office is confident that it can administer general elections for the Governor and State Legislature using ranked-choice voting without undue difficulty.

To use ranked-choice voting for this November's general election, however, the Secretary's Office must design a suitable ballot far enough in advance of the election for it to be proofed, printed, and provided to all eligible voters, consistent with the Secretary's obligations under state and federal law. The latest date on which the Secretary's Office can begin that process such that it is complete in time for November's general election is August 25, 2026.

## CONCLUSION

For the reasons set forth above, the Secretary of State's Office is fully capable of administering elections that reflect the changes to election law contemplated by L.D. 1666 without undue difficulty. Deputy Secretary Flynn otherwise takes no position on the question propounded by the Maine Legislature.

Dated: March 5, 2026

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