

STATE OF MAINE
BEFORE THE JUSTICES
OF THE SUPREME JUDICIAL COURT

DOCKET NO. OJ-26-1

In the Matter of Request for Opinion of the Justices

BRIEF OF FAIRVOTE & MAINE WOMEN'S LOBBY

Benjamin Gaines
Maine Bar No. 5933
Gaines Law, LLC
P.O. Box 1023
Brunswick, ME 04011
207-387-0820
ben@gaines-law.com

*Counsel for FairVote and
Maine Women's Lobby*

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STATEMENT OF INTEREST

FairVote is a nonpartisan nonprofit organization founded in 1992 whose mission is to make democracy fair, functional, and more representative. FairVote's mission is to promote the voices and views of every voter, grounded in the evidence that the use of fair election methods will create a government that is more representative and effective. FairVote encourages public officials, judges, and the public to explore fairer and more inclusive election methods, including ranked choice voting (RCV). FairVote has experience working with jurisdictions to implement RCV and is familiar with the emerging case law surrounding this voting system. FairVote submits this interested party brief because it supports L.D. 1666 and the expansion of ranked choice voting in Maine.

The Maine Women's Lobby (MWL) is a nonpartisan nonprofit organization founded in 1978 to promote gender justice and equity in Maine. MWL's mission is to advance gender-responsive public policy with legislative advocacy and policy analysis. Through this work, MWL is familiar with the benefits of ranked choice voting, which includes increased representation for women and other groups in election outcomes and candidate platforms. MWL submits this interested party

brief because it supports L.D. 1666 and the expansion of ranked choice voting in Maine.

ISSUE PRESENTED

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?¹

SUMMARY OF ARGUMENT

The people of Maine have relentlessly affirmed ranked choice voting (RCV) as their election method of choice for over a decade. RCV is a ballot tabulation method that allows voters to rank candidates according to preference. As L.D. 1666 evinces, this method can be implemented consistent with the mandates of the Maine Constitution. Used in

¹ FairVote and Maine Women's Lobby do not possess unique expertise or perspective regarding—and therefore do not submit briefing on—the question of whether a solemn occasion exists within the meaning of the Maine Constitution.

countries around the world and growing in popularity in the U.S., RCV provides an answer to the voters' concerns about existing single-choice systems. Compared to those systems, RCV leads to better representation of the people and their views, empowers more participation among independent and third-party voters, and disincentivizes the use of negative campaigning. As such, the people of Maine indicated in 2016 that they wanted RCV used in general elections for state offices, and through L.D. 1666, the Legislature has demonstrated that "the will of the people" can be "implemented in a manner consistent with the Constitution." *In re Guardianship of Chamberlain*, 2015 ME 76, ¶ 10, 118 A.3d 229.

The Justices would not be alone in upholding RCV as an election method that provides each voter with one vote and allows voters to maximize the power of that vote by ranking candidates in order of preference. Every state and federal court to consider a federal constitutional challenge to RCV has held that RCV complies with the fundamental principle of "one person, one vote."

ARGUMENT

I. RANKED CHOICE VOTING IS THE WILL OF THE PEOPLE OF MAINE AND CAN BE IMPLEMENTED CONSISTENT WITH THE MAINE CONSTITUTION.

To review the constitutionality of citizen-enacted legislation is constitutional, the Justices must first “ascertain the will of the people.” *Wawenock, LLC v. Dep't of Transp.*, 2018 ME 83, ¶ 16, 187 A.3d 609 (quoting *Opinion of the Justs.*, 2017 ME 100, ¶ 7, 162 A.3d 188). Here, that inquiry need extend no further than acknowledging the persistent efforts of the people of Maine, and their representatives, to adopt ranked choice voting (RCV) for federal and state elections to the greatest extent permitted by the Maine Constitution.²

Maine’s first modern bill proposing the adoption of ranked choice voting was presented to the Maine House of Representatives in 2001. L.D. 1714 (120th Legis. 2001). At least one RCV bill was introduced, and failed to pass, in every legislature for the twelve years thereafter. L.D. 674 (121st Legis. 2003); L.D. 265 (122d Legis. 2005); L.D. 585 (123d Legis. 2007); L.D. 1344 (124th Legis. 2009); L.D. 1126 (125th Legis.

² Because “the history of ranked-choice voting in Maine to date could provide the substance of an entire civics course on the creation of statutory law in the State of Maine,” this is not a comprehensive account of all the twists and turns on the road to RCV in Maine. *Maine Senate v. Sec'y of State*, 2018 ME 52, ¶ 3, 183 A.3d 749.

2011); L.D. 518 (126th Legis. 2013); L.D. 860 (126th Legis. 2013); L.D. 1422 (126th Legis. 2013).

Then, in October 2015 and in response to this lack of progress in the Legislature, RCV advocates circulated a petition for a citizen-initiated ballot measure to adopt RCV.³ The petition was successful and, in November 2016, Question 5: An Act to Establish Ranked-Choice Voting, was approved by a majority of Maine voters.⁴ With Question 5's passage, Maine became the first state to enact ranked-choice voting for all state and congressional elections.⁵

Under Question 5, use of RCV for state and federal offices was slated to begin in 2018. However, following the Justices' 2017 Solemn Occasion Opinion, 2017 ME 100, the Legislature sought to postpone RCV from taking effect until 2021, 2017 Me. Laws 1060. If the Maine Constitution was not amended to address the Justices' concerns regarding RCV in state general elections by then, RCV would be automatically repealed for all elections. *Id.* Undaunted, RCV advocates

³ *Ranked Choice Voting Timeline*, League of Women Voters of Maine, https://www.lwvme.org/RCV_Timeline.html (last visited Mar. 1, 2026).

⁴ *Ranked Choice Voting in Maine*, Maine State Legislature, Maine State Legislature's website/Law Library/Ranked Choice Voting in Maine (Feb. 2, 2026).

⁵ *Id.*

filed a petition for a People’s Veto provision of the Maine Constitution in February of 2018 to stop this act of the Legislature and to ensure the timely adoption of RCV for all offices where it was clearly permitted.⁶

The People’s Veto was approved by a majority of voters in June 2018. Since then, the Legislature has extended RCV to presidential primary and general elections. 2019 Me. Laws 1608. At present, Maine statute requires RCV for all primary elections for state and federal office, and all general elections for federal office. 21-A M.R.S. § 1(27-C).

Between the citizen-initiated legislation adopting RCV to the citizen-initiated veto of the Legislature’s attempt to block it, the relentless determination of the people of Maine has been made entirely apparent: They want RCV.

A. RANKED CHOICE VOTING IS A CONSTITUTIONAL BALLOT TABULATION METHOD THAT USES VOTERS’ RELATIVE PREFERENCES TO DETERMINE WHICH CANDIDATE HAS WON A PLURALITY OF VOTES.

The people—both in their own capacity and through the Legislature—have thoughtfully and carefully constructed a system that

⁶ Off. of Pol’y & Legal Analysis, Me. Legis., Ranked-Choice Voting in Maine: Timeline (Dec. 2020). A “people’s veto” allows citizens to call for a referendum, via petition, on an act (or specified portions thereof) of the Legislature that has passed but is yet to take effect. Me. Constit. art. IV, pt. 3, § 17.

further the goals of reform while complying with the mandates of Maine’s Constitution. In amending the language of existing statute, the Legislature seeks to make “technical changes to ensure Maine’s statutory language” reflects a “distinction between a preference and a vote” in order to express more clearly the will of the people who voted for it and, in the process, to better elucidate how RCV in Maine works.⁷

RCV is a method of tabulating ballots that allows a voter to indicate the relative order in which the voter intends her vote be allocated. *See* Comm. Amend. B to L.D. 1666, No. S-499 (132d Legis. 2025) (amending the definition of “ranking” in 21-A M.R.S. § 723-A (2025)). First, the voter ranks candidates in order of preference. If, for example, there are four candidates, then a voter can indicate her first, second, third, and fourth choice—though she may rank fewer if she so chooses.

Votes are then determined by a tabulation process that proceeds in a series of steps (or “rounds”). In the first round, the top-ranking candidate on each ballot is counted. If a candidate receives over 50% of first-choice rankings, then further tabulation is not necessary. If a

⁷ *Maine Senate Advances Sen. Reny Bill to Honor Voters’ Will by Expanding Ranked-Choice Voting to Gubernatorial and Legislative Elections*, Maine Senate Democrats (June 11, 2025), <https://www.mainesenate.org/maine-senate-advances-sen-reny-bill-to-honor-voters-will-by-expanding-ranked-choice-voting-to-gubernatorial-and-legislative-elections/>.

candidate has won a majority of first-choice rankings, then, mathematically, that candidate will win regardless of how many other candidates might be eliminated thereafter.⁸

If no candidate receives over 50% of first-choice rankings, then tabulation continues and alternative preferences are considered to ensure that the candidate with the most support across all ballots cast is identified. The candidate with the fewest first-choice rankings is eliminated. Any voters who ranked that now-eliminated candidate as their first choice will have their second-choice ranking counted instead. In Maine, this process continues until only two candidates remain. *See* L.D. 1666 § 8 (amending 21-A M.R.S. § 723-A(2)(A)). The candidate who prevails in that final round has then won the most votes and, accordingly, the election.⁹ *See id.*

In RCV, as under single-choice systems, a candidate can win an election with either a plurality or majority of votes returned. If a voter chooses not to rank every candidate and every candidate the voter ranks

⁸ In some jurisdictions, such as Maine, tabulation would then be complete. *See* L.D. 1666 § 8 (amending 21-A M.R.S. § 723-A(2)). However, in other jurisdictions, the tabulation may continue until only two candidates remain. This is designed to give voters and candidates a “fuller picture” of the winner’s mandate compared to their closest competitor.

⁹ In other jurisdictions, the tabulation continues only until one candidate has over 50% of highest-possible rankings from the remaining ballots and then stops, even if more than two candidates still remain.

is eliminated, then that voter's ballot will become "exhausted." If enough ballots become exhausted during tabulation, then the candidate who wins by receiving a plurality of votes from ballots that remain in the final round may not win a majority of total votes cast.

No part of this process contravenes the requirements of Maine's Constitution.

B. RANKED CHOICE VOTING HAS BEEN ADOPTED BY JURISDICTIONS ACROSS THE U.S. AND AROUND THE WORLD AND IS GROWING IN POPULARITY.

RCV's history and growth demonstrates both its legality and workability under a variety of constitutional schemes and contexts. RCV is not a new election system. It was invented in the 1850s in Europe as a system of proportional representation for use in multi-winner elections.¹⁰ In the 1870s, RCV was adapted to single-winner elections by William Ware, an MIT professor.¹¹ Today, it is used by democracies across the world to elect their representatives. Australia, Malta, and Ireland have used RCV for national elections since the early 1900s.¹² Northern Ireland

¹⁰ *History of RCV*, Ranked Choice Voting Resource Center, <https://www.rcvresources.org/history-of-rcv> (last visited Mar. 2, 2026). Multi-winner elections are those in which voters simultaneously elect multiple candidates from the same district or at-large instead of from single-member districts.

¹¹ *Id.*

¹² *Id.*

(1970s), New Zealand (1992), and Scotland (2007) use RCV in regional and local elections.¹³

RCV also has remained in continuous use in the United States for more than a century. In 1915, the city of Ashtabula, Ohio was the first U.S. jurisdiction to adopt RCV.¹⁴ By 1948, twenty-three cities in ten states had followed suit, including Boulder, New York City, and Sacramento.¹⁵ A resurgence of RCV in the U.S. began around the turn of the 21st century.¹⁶ Forty cities and counties now use RCV for local elections.¹⁷ See Appendix A. Hawaii uses RCV for special elections. Alaska—and Maine—use RCV statewide.¹⁸ Seven states use RCV ballots to include overseas and military voters in federal and some state runoff elections.¹⁹ The Democratic party has used RCV for various primaries in 13 states, and the Republican party in 4 states and the U.S. Virgin Islands.²⁰ RCV is used by approximately 100 colleges and universities in

¹³ *Id.*

¹⁴ James W Endersby & Michael J Towle, *Ranked Choice Voting* 51 (2025).

¹⁵ Jack Santucci, *Party Splits, Not Progressives: The Origins of Proportional Representation in American Local Government*, 45 *Am. Pol. Rsch.* 494, 494-96 (2017).

¹⁶ James W Endersby & Michael J Towle, *Ranked Choice Voting* 48 (2025).

¹⁷ FairVote, *FairVote website/Our Reforms/Ranked Choice Voting Information* (last visited Mar. 2, 2026).

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

the U.S. for student elections.²¹ It is also used by many private organizations, including by the Academy of Motion Picture Arts and Sciences to determine winners for the Oscars.²²

C. RANKED CHOICE VOTING IMPROVES ELECTIONS AND RESPONDS TO VOTERS' GROWING CONCERNS ABOUT OUR DEMOCRACY.

American democracy is an ongoing experiment. When existing election procedures cease to serve the people, they look for new and innovative ways to administer elections. Pennsylvania was the first state to offer absentee voting for military personnel during the War of 1812 to enable soldiers away from home on Election Day to cast a ballot.²³ Massachusetts was the first state to adopt the secret ballot in 1888 as a way to prevent vote buying and voter coercion.²⁴ Government-administered direct primaries first appeared in Wisconsin in 1903 as a way to ensure popular candidate selection and limit opportunities for fraud in the nominating process.²⁵ As “laboratories of democracy,” states

²¹ *Id.*

²² James W Endersby & Michael J Towle, Ranked Choice Voting 18-21 (2025).

²³ *A History of Voting by Mail*, Smithsonian Institute (Sep. 19, 2024), <https://www.si.edu/collections/snapshot/history-voting-mail>.

²⁴ Karen L. Shanton & Tyler L. Wolanin, Cong. Rsch. Serv., IN12389, Election Policy Fundamentals: The Secret Ballot 3 (2024).

²⁵ John F. Reynolds, *The Origins of the Direct Primary*, in Routledge Handbook of Primary Elections 39, 49-50 (Robert G. Boatright ed., 2018).

have led and continue to lead the way in making improvements to our system of self-government.²⁶

RCV is part of the next chapter in this long tradition. As politics become increasingly divisive—partly a result of candidates being selected by smaller and smaller slices of primary voters and then refusing to compromise once elected—gridlock results.²⁷ Many commentators have concluded that if polarization cannot be reversed, “then the path forward is clear: we need to reform the political system so it can function amid polarization.”²⁸ RCV is one such reform.²⁹

1. RCV ENSURES ELECTION OUTCOMES THAT BETTER REPRESENT THE PEOPLE AND MORE ACCURATELY REFLECT THEIR PREFERENCES.

RCV results better reflect both the people and the will of the people than single-choice voting. First, RCV improves representation for

²⁶ See, e.g., *State-by-State Comparison of Campaign Finance Requirements*, Ballotpedia, https://ballotpedia.org/State-by-state_comparison_of_campaign_finance_requirements (last visited Mar. 1, 2026) (comparing the different campaign contribution limits and reporting requirements of each state).

²⁷ See Sarah A. Binder, *Stalemate: Causes and Consequences of Legislative Gridlock* 80 (2003) (“[L]egislators’ desires to be responsive to active constituencies affects the incentive to compromise . . . With limited electoral ties to the mass and moderate middle, legislators have only limited and occasional incentive to craft moderate policy compromises to public problems.”).

²⁸ Ezra Klein, *Why We 're Polarized* 250 (2020).

²⁹ PBS News Hour, *How Open Primaries and Ranked-Choice Voting Can Help Break Partisan Gridlock* (PBS, May 19, 2024), PBS website/(search “open primaries ranked choice voting gridlock”) (last visited Mar. 4, 2026).

women, people of color, and other groups, ensuring that the diversity of the people is reflected in those who lead them.³⁰

Second, RCV ensures that a winning candidate is supported by a broader base of voters. In a single-choice system, elections with more than two candidates can result in a candidate winning despite the strong opposition of most voters. RCV, however, gives voters the opportunity to communicate conditional backup choices and avoid this risk—all in a single election.

Put differently, RCV operates as a way for voters to communicate more information through a single ballot and thereby reach a fuller consensus as to who should represent them. Like single-choice systems, RCV also identifies its winner in a single election. This achieves the goal of electing candidates with a broader base of support while at the same time saving the people from the expense and delay of holding multiple elections.

Third, RCV encourages candidates to appeal to a more robust cross-section of voters. Candidates in a single-choice vote system focus on the voters who will most favor that candidate. But, in an RCV system,

³⁰ *Research and Data on RCV in Practice*, FairVote, FairVote website/Resources/Data on RCV in practice (last visited Feb. 27, 2026).

candidates must also target voters who might rank the candidate as their second or third choice. Thus, candidates have an incentive to appeal to more voters and to reach out to communities and voters that they might otherwise ignore. For instance, voters in RCV jurisdictions are more likely to be contacted by campaigns.³¹ Candidates are also more likely to reach out to voters in person in RCV cities than those in non-RCV cities.³²

2. RCV ENABLES INDEPENDENT AND THIRD-PARTY VOTERS TO PARTICIPATE MORE MEANINGFULLY IN THE POLITICAL PROCESS.

Single-choice voting systems can disadvantage voters who prefer smaller parties or independent candidates. Such voters may be forced to vote strategically—by sacrificing their top choice for less-preferred candidates who seem more likely to win—to avoid their preferred candidate acting as a “spoiler.” Alternatively, voters may choose their top choice but do so with the recognition that their vote could be “wasted” on a candidate with little chance of ultimately prevailing (or that their vote may even help their least-preferred candidate win). RCV eliminates these concerns. Voters are able to express their true preferences by

³¹ E. Dowling et al., *Does Ranked Choice Voting Increase Voter Turnout and Mobilization?*, *Electoral Studies*, Aug. 2024, at art. 102816 [<https://doi.org/10.1016/j.electstud.2024.102816>].

³² Haley Smith, FairVote, *Civility Report No. 7, Ranked Choice Voting and Participation: Impacts on Deliberative Engagement 2* (2016).

ranking their favorite candidate first, while also expressing a preference among the candidates they perceive as more likely to win.

More than one-third of Maine voters are not enrolled in any party.³³ Yet, because it is difficult for independent candidates to get elected using single-choice voting, independent voters remain underrepresented in government. RCV can improve this representation at the state and federal levels of government. RCV can also help ease partisan gridlock and entrenchment, as RCV-winning candidates are more likely to work across the aisle once elected.³⁴

3. RCV PROVIDES INCENTIVES FOR CANDIDATES TO REFRAIN FROM NEGATIVE AND DIVISIVE CAMPAIGNING.

Single-choice voting encourages candidates to cater to narrow factions of fervent support rather than appealing to the broader electorate. When the field is split among multiple candidates, the winner may end up being a candidate opposed by most voters. In such elections, candidates benefit from mudslinging and attacking their opponent

³³ *Latest Enrolled and Registered Data Files Posted Online*, Me. Sec’y of State (Jan. 22, 2024), <https://www.maine.gov/sos/news/latest-enrolled-and-registered-data-files-posted-online>.

³⁴ Glenn Wright, Benjamin Reilly, & David Lublin, *Assessing Alaska’s Top-4 Primary and Ranked Choice Voting Electoral Reform: More Moderate Winners, More Moderate Policy*, 6 J. Pol. Instit. & Pol. Econ., no. 1, 2025, at 59.

instead of sharing their positive vision with voters. This can lead to increasingly toxic and polarizing campaigns. But in RCV, candidates also compete for second and third choices from their opponents' supporters. Candidates therefore have less incentive to run a negative campaign that risks alienating those voters.³⁵

For the aforementioned reasons and more, the people of the State of Maine have adopted RCV. In so doing, the people have confirmed that their vision of a functional democracy is one in which they feel better represented, proactively included, and more politically engaged.

D. WHEN THE PEOPLE'S WILL IS MADE CLEAR THROUGH CITIZEN INITIATIVE, CHALLENGERS MUST SHOW THE LAW IS UNCONSTITUTIONAL IN EVERY APPLICATION BEYOND A REASONABLE DOUBT.

Through citizen initiatives, “the people, as sovereign, have retaken unto themselves legislative power,” the exercise of which “shall be liberally construed to effectuate the purpose.” *Opinion of the Justs.*, 275 A.2d 800, 803 (Me. 1971); *see also League of Women Voters v. Sec'y of State*, 683 A.2d 769, 771 (Me. 1996) (adopting this advisory opinion). Thus, the Court must uphold the will of the people absent a showing that

³⁵ *Research and Data on RCV in Practice*, FairVote, FairVote website/Resources/Data on RCV in practice (last visited Feb. 27, 2026).

it is unconstitutional “to such a degree as to leave no room for reasonable doubt.” *League of Women Voters*, 683 A.2d at 771-72. A facial challenge to citizen-initiated legislation “will be considered only if there is a reasoned argument that a challenged statute *cannot be applied constitutionally on any set of facts.*” *In re Guardianship of Chamberlain*, 2015 ME 76, ¶ 10, 118 A.3d 229 (emphasis added).

Accordingly, citizen-initiated legislation enjoys a “heavy presumption of constitutionality.” *Portland Reg'l Chamber of Com. v. City of Portland*, 2021 ME 34, ¶ 7, 253 A.3d 586. Judicial restraint in declaring citizen initiatives unconstitutional is crucial because “a ruling of unconstitutionality frustrates the intent of . . . the people” and “threaten[s] to short circuit the democratic process by preventing laws embodying the will of the people from being implemented.” *In re Guardianship of Chamberlain*, 2015 ME 76, ¶ 9, 118 A.3d 229 (internal citations omitted). As such, the Court avoids “making overly broad declarations of constitutional invalidity.” *Id.* ¶ 10. “Courts of justice . . . would deserve to lose all confidence and respect if they were astute in devising technical rules under which the dearest rights of the people could be destroyed.” *Rounds v. Smart*, 71 Me. 380, 389 (1880).

When, as here, the will of the people speaks directly to how that will is to be measured in the future, the consequences of invalidating it are even more grave. Elections must reflect the will of the people. *See Rounds*, 71 Me. at 389 (“The title to an elective office is derived from the popular expression at the ballot box. It is the manifest duty of all holding official positions, to give full effect to the will of the people as thus expressed.”) The people have declared that their will is best ascertained through RCV.

In the interest of maintaining a government that the people can trust and respect, the Legislature has now acted to expand RCV to general elections for state offices in a constitutionally consistent way. As the Justices have advised before: “The constitution is to be construed, when practicable, in all its parts, not so as to thwart, but so as to advance its main object, the continuance and orderly conduct of government by the people.” *In re Opinion of the Justs.*, 137 Me. 347, 16 A.2d 585, 586 (1940) (internal quotations omitted). Finding that the Legislature has proposed a permissible approach to implement RCV would do just this.

II. COURTS HAVE CONSISTENTLY HELD THAT A RANKED BALLOT CONSTITUTES ONE VOTE AND THAT RCV ADVANCES IMPORTANT STATE INTERESTS.

RCV has been uniformly upheld against every federal constitutional challenge, in both state and federal courts. The Alaska Supreme Court also upheld RCV under a provision analogous to the Maine Constitution’s “plurality” provision. *See Kohlhaas v. State*, 518 P.3d 1095, 1120 (Alaska 2022). Across all of these holdings, courts have consistently recognized that a ranked ballot reflects one, single vote—not a set or series of separate votes. *See, e.g., id.* at 1122 (“[T]here is no question that a ranked-choice vote is a single vote.”).

A. RCV COMPLIES WITH THE PRINCIPLE OF “ONE PERSON, ONE VOTE.”

RCV provides voters with the option of ranking multiple preferences. Every other court that has considered constitutional challenges to this scheme premised on a violation of “one person, one vote” has held that ranking preferences is not the same as providing additional votes nor does it grant some votes more weight compared to others. *See, e.g., Dudum v. Arntz*, 640 F.3d 1098, 1112 (9th Cir. 2011) (“[T]he option to rank multiple preferences is not the same as providing additional votes, or more heavily-weighted votes, relative to other votes

cast.”); *Baber v. Dunlap*, 349 F. Supp. 3d 68, 77 (D. Maine 2018) (“Plaintiffs argue they are deprived of equal protection if some voters are permitted to express a preference for more than one person. However, it appears that Maine’s RCV system is designed to enable every voter the opportunity to express a preference, and be counted, with respect to the candidates most likely to win the election.”).

First, though a voter can rank more than one candidate, doing so does not mean that the voter has impermissibly cast more than one vote. *Minn. Voters All. v. City of Minneapolis*, 766 N.W.2d 683, 691 (Minn. 2009). In RCV, only one ranking per voter can be counted per round and, after the first round, “subsequent choices are not counted unless the voter's higher-choice candidate has been eliminated.” *Id.* at 692. As such, the rankings reflect the voter’s alternative preferences for their vote, not additional votes. *See id.* (comparing RCV favorably to cumulative voting, which allows voters to cast multiple votes for multiple candidates simultaneously). Thus, under RCV, “each voter's vote counts only as a single vote.” *Id.*

Second, in RCV, “each vote . . . is afforded the same mathematical weight in the election” and all votes are treated equally. *Dudum*, 640 F.3d

at 1112. *See also Minn. Voters All.*, 766 N.W.2d at 693 (“Every voter has the same opportunity to rank candidates . . . and in each round every voter's vote carries the same value.”); *Stephenson v. Ann Arbor Bd. of Canvassers*, No. 75-10166 AW (Mich. Cir. Ct. Nov. 1975) (“Each voter has the same opportunity as the next voter in deciding whether or not to list numerical preferences for his or her candidate and has the same equality of opportunity as any other voter if his or her candidate is eliminated . . . and his or her second choice preference becomes the viable vote.”).

B. RCV ADVANCES IMPORTANT INTERESTS AND DOES NOT PLACE AN UNDUE BURDEN ON THE RIGHT TO VOTE.

RCV also places no more of a burden on the right to vote than does single-choice voting. *Kohlhaas*, 518 P.3d at 1123. What minimal burden it may impose is justified by the important regulatory interests of those adopting it. *Minn. Voters All.*, 766 N.W.2d at 696. Many of these advantages reflect important interests underlying Maine’s constitutional provisions as well. *See Kohlhaas*, 518 P.3d at 1124 (recognizing the people’s interests in allowing voters to express more nuanced preferences and to elect candidates with strong plurality support); *Minn. Voters All.*, 766 N.W.2d at 697 (recognizing the people’s interest in eliminating the costs and inconvenience of multiple elections, increasing voter turnout,

and encouraging less divisive campaigns); *Mcsweeney v. City of Cambridge*, 665 N.E.2d 11, 15 (Mass. 1996) (recognizing the people’s interest in elections accurately reflecting voter sentiment and providing better representation of minority groups); *Dudum v. Arntz*, 640 F.3d at 1104-05 (recognizing the people’s interest in allowing the voters more freedom to vote their true preferences, reducing the threat of votes being entirely ‘wasted’ on unsuccessful candidates, and more thoroughly gauging the depth of voter support for each candidate).

CONCLUSION

The people of Maine have chosen RCV elections and L.D. 1666 shows that RCV can be implemented consistent with the Maine Constitution. As the Alaska Supreme Court noted: “If the people . . . want to try the system, make the experiment, and have voted to do so,” the Justices should not deny them that chance. *Kohlhaas*, 518 P.3d at 1102 (quoting *Johnson v. City of New York*, 274 N.Y. 411, 430 (1937)).

Because the will of the people cannot be set aside unless that will is proven beyond a doubt to be contrary to the federal or state constitutions, the Justices should answer the question in the affirmative

and find that RCV is a permissible method of conducting general elections in the State of Maine.

Dated at Brunswick, Maine this March 6, 2026.

/s/ Benjamin Gaines
Benjamin Gaines
Maine Bar No. 5933
Gaines Law, LLC
P.O. Box 1023
Brunswick, ME 04011
207-387-0820
ben@gaines-law.com
Counsel for FairVote and
Maine Women's Lobby

Appendix A: Jurisdictions That Have Adopted RCV

JURISDICTION	ELECTION(S)	YEAR
Alabama	Overseas voters in federal primary runoffs	2013
Alaska	All state and federal general elections; Democratic presidential primaries	2020
Albany, CA	City council	2020
Arden, DE	At-large board of assessors	1941
Arkansas	Overseas voters in runoffs	2005
Arlington County, VA	Party primaries and general elections for county board	2022
Basalt, CO	Mayoral races with three or more candidates	2002
Benton County, OR	County commissioner	2016
Berkeley, CA	Mayor, city council, city auditor	2004
Bloomington, MN	Mayor and city council	2020
Boulder, CO	Mayor	2020
Broomfield, CO	Mayor and city council	2021
Burlington, VT	Mayor, city council, school commissioner, ward clerk, inspectors of election	2005
Cambridge, MA	Nine at-large city council seats, six at-large school board seats.	1940
Carbondale, CO	Mayoral races with three or more candidates	2011
Charlottesville, VA	City council	2024
Corvallis, OR	Mayor and city council	2022
Easthampton, MA	Mayor, city council	2019

Eureka, CA	Mayor and city council	2020
Evanston, IL	Mayor, clerk, city council	2022
Fort Collins, CO	Mayor and city council	2022
Georgia	Overseas voters in primary and general runoffs	2021
Hawaii	Special federal elections and county council vacancies	2022
Las Cruces, NM	All municipal elections (i.e. mayor and city council)	2018
Louisiana	Overseas voters in runoffs	1990s
Maine	State and federal primaries, all general congressional, Democratic presidential primaries	2016
Minneapolis, MN	Mayor (single winner), city council (single winner), board of estimate and taxation (PRCV), and park board (single winner for district seats, PRCV for at-large)	2006
Minnetonka, MN	Mayor and city council	2020
Mississippi	Overseas voters in runoffs	2014
Multnomah County, OR	County chair, county commissioners, auditor, sheriff	2022
New York, NY	City primaries and special elections for mayor, public advocate, comptroller, borough presidents, city council	2019
Oak Park, IL	Oak Park president, village board of trustees	2024

Oakland, CA	Mayor, city council, school director, city attorney, city auditor, school board	2006
Portland, ME	Mayor (single-winner), city council (district seats are single-winner, at-large are PRCV), school board (district seats are single-winner, at-large are PRCV) charter commission (PRCV)	2010
Portland, OR	Mayor and auditor (single winner), city council (PRCV)	2022
Redondo Beach, CA	Mayor, city attorney, city council	2023
San Francisco, CA	Mayor, city attorney, board of supervisors, sheriff, treasurer, assessor recorder, public defender	2002
San Leandro, CA	Mayor and city-council	2000
Santa Fe, NM	Mayor, city council	2008
St. Louis Park, MN	Mayor and city council	2018
St. Paul, MN	Mayor and city council, school board	2009
Seattle, WA	Primaries for mayor, city attorney, city council	2022
Skokie, IL	Mayor, clerk, village board of trustees	2025
South Carolina	Overseas voters in runoffs	2006
Takoma Park, MD	Mayor, city council	2005
US Virgin Islands	Republican presidential primaries	2024

Utah	Some party elections/conventions	2004
Virginia	Some party elections/conventions	2021
Washington, DC	Primary, special, and general elections for President, VP, mayor, attorney general, chairman of council, delegate to US House, city council, state board of education, US Senator, US Rep, advisory neighborhood commission	2024
Westbrook, ME	Mayor, city council, school committee	2021
Wyoming	Democratic presidential primaries	2020