

Wag that Tail, Dog

April 21, 2017

Last November, Maine voters passed a ballot measure, Question 5, to begin electing their federal representatives to Congress, and their governor and state legislators, using Ranked Choice Voting. This selection mechanism allows voters to rank their choices, thereby removing the “spoiler effect” that often pushes citizens to support the lesser of two popular evils.*

Last month, Maine’s State Senate submitted advisory questions to the Maine Supreme Court about the new law’s constitutionality.

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It is indeed constitutional. “Those who argue that ranked-choice voting conflicts with the Constitution,” explained Marshall Tinkle** in the *Bangor News*, “seem to be reading things into it that simply are not in the text.”

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That’s not unconstitutional. But is it somehow *bad*?

“We are going to have a lot of people abandoning the political parties if ranked-choice voting remains,” argued Alexander. Or perhaps the parties might better serve voters?

The attorney representing the Committee for Ranked Choice Voting, James Kilbreth, reminded the justices that the voters have spoken, and as to the resistance by legislators in implementing their will, he remarked, “This is the tail-wagging-the-dog kind of problem.”

The courtroom broke out in laughter when Chief Justice Leigh Saufley responded, “Mr. Kilbreth, it’s a fairly large tail.”

I’m a big fan of ranked choice voting***, but the court’s decision is not about the policy. It’s about whether the dog (the people) will wag the tail (the legislators) or vice-versa.

This is Common Sense. I’m Paul Jacob.

* Portland, the state’s largest city, has used ranked choice voting since 2011.

** And Tinkle should know, since he “wrote the book” on the subject — the reference book, *The Maine Constitution*.

*** I serve on the Board of Directors of FairVote, an organization that promotes ranked choice voting and other methods to make every person’s vote count.