

The Maine Thing

May 25, 2017

Ranked Choice Voting (RCV) allows voters to rank electoral candidates and not “waste” their vote in cases where their most favored candidate is* unlikely to win. RCV also requires a majority for election, not merely a plurality of the vote.

Last November, Mainers passed Question 5 to begin using this voting system for statewide races, state legislative races and congressional contests. Voters in Portland, the state’s largest city, already use ranked choice voting for several city offices.

Legislators should follow the court’s decision, sure, but also respect the vote of the people for every part of the measure *not* addressed by the court.

Nonetheless, Gov. Paul LePage, who has won twice for governor without ever capturing a majority, opposes RCV, as do many state legislators, also elected under a different first-past-the-post plurality system.

Because Maine’s state constitution specifically mentions plurality winners for statewide officials and state legislators (in the General Election), legislative



leaders asked the Maine Supreme Court for an advisory opinion on the constitutionality of the ballot measure. Earlier this week, the court ruled that Question 5 was not constitutional when applied to those specific offices and elections.

However, the constitutionality of RCV was not challenged regarding congressional elections or primary elections for the state legislature.

Now some legislators are proposing a constitutional amendment to enact the RCV that voters supported. Others are urging that the entire law be repealed — even the parts *not* ruled unconstitutional. They claim the new system is too confusing if not used for every office.

But Portland city voters use RCV for some offices and not others, without confusion.

Legislators should follow the court’s decision, sure, but *also* respect the vote of the people for every part of the measure not addressed by the court.

This is Common Sense. I’m Paul Jacob.

* Ranked Choice Voting also prevents wasted votes in cases where a voter merely expects or fears (even inaccurately) that his or her favorite candidate does not have enough support to get elected.