



Metro

In Maine, a voting experiment could have real consequences for partisan politics



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Maine's State House last fall**By [James Pindell](#)**

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Maine voters this week got the legal go-ahead to try a novel, first-in-the-nation statewide ballot experiment that advocates say could curb growing levels of extreme partisanship. The problem? Voters have only two months to learn how to use the complex new system before primary day.

The initiative, known as ranked-choice voting, allows voters to rank up to three candidates, in order of preference, when marking their ballots (imagine marking the first choice with a 1, second choice with a 2, and so on). If no candidate receives 50 percent of first-choice votes, then the bottom candidate is eliminated, with their votes reallocated to the second choice. At that point, if no candidate gets 50 percent, the process repeats until a candidate receives a majority.

The idea is to make sure that the winner is generally the consensus pick and not someone who received, say, 35 percent of the vote. That minimizes the glaring partisanship that has marked hundreds of races in recent years.

Many local communities from Cambridge here in Massachusetts to St. Paul, Minn., to Santa Fe, N.M., have used ranked-choice voting in local elections, but no state had ever adopted it for use in both statewide elections and for Congress, until this week's court decision.

Portland, Maine's largest city, has used ranked-choice voting in their past two municipal elections, but the Maine Legislature has largely dismissed initiatives because of constitutional questions. However, in 2016 the idea was put up to voters in a statewide referendum, and it passed. Since then the issue was tangled in the court system — even the Maine Supreme Court issued a nonbinding opinion saying the new law was at least partially unconstitutional. That's because Maine's Constitution explicitly states that a candidate only needs a plurality of votes (meaning more than any other candidate), and not a majority of votes, to win an election.

On Wednesday, a Kennebec County Superior Court judge ordered Maine Secretary of State Matt Dunlap to reconfigure primary ballots to use the ranked-choice system. Dunlap, a Democrat, had raised new legal questions about his ability to implement it in recent weeks.

Now that ranked choice is a go in Maine, the complications begin. As even the judge wrote in her order this week “uncertainty that halting the ranked-choice voting implementation process at this late date is significant.”

First, there is the matter of explaining to voters how the process will work. Maine's Secretary of State's office says it will begin an education campaign, especially on social media. But how

this plays out in the polling booth on primary day, could bring a lot of confusion. Alone in the booth, voters may get lost trying to navigate the new ballots.

There could be even more problems after a winner is announced. It is easy to see how a loser in any give race would have grounds to file a lawsuit on a constitutional basis. After all, a candidate could have a plurality in the first round of tabulation, but not when votes are reallocated. Add to that the fact that the Maine's Constitution currently requires that a winner only have a plurality, and the legal challenges could be significant. A ruling that invalidates all primary results could throw the state into political chaos.

It's also worth mentioning that ranked-choice voting could have a uniquely large impact in Maine. The governor's race is the most significant race on the ballot there and also features the largest field — four Republicans and seven Democrats on their respective party primary ballots. With such a large number of candidates, there is no obvious front-runner and no one candidate is expected to receive 50 percent of the vote, at least not at first.

In theory, the new system will create an incentive for candidates to stake out middle ground, or at least an inclusive approach that would help them to become voters' natural second or third choice.

But just when you thought you'd grasped the concept here, allow us to add a twist. The primary ballot will also contain a single ballot question. Why should you care? It asks whether this new ranked choice voting system should be delayed for a few more years, to give the state Legislature more time to address constitutional questions. If it passes, you can forget even worrying about ranked choice in the general election.

That matters because Maine has a strong history of independent candidates challenging both major parties, which make for even an even more complicated voting process. For example, incumbent Republican Paul LePage was first elected with less than 38 percent of the vote and also reelected without a majority. It's hard to imagine how those races would have played out in this new system.

This year we may find out. As often happens, several races will have three strong candidates in the general election. In the governor's race, Democrat-turned-independent State

Treasurer Terry Hayes is running a credible campaign. And then of course incumbent US Senator Angus King is also up for reelection, facing both a Democrat and a Republican. Already that means that ranked choice could have an impact in both statewide races in Maine.

Primary day is just over two months from today. That's not so far away when you consider all that Maine has to do to educate voters.

Ranked-choice voting system

Maine voters this week got the legal go-ahead to try ranked-choice voting or "instant run-off voting," which allows voters to rank up to three candidates, in order of preference, when marking their ballots. Here's how it works. Imagine there are 100 voters voting for four candidates and each dot was color coded by and lined up after their first choice. Click on the button to see what happens during the voting.

First Round Second Round Third Round



SOURCE: Maine Supreme Court

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