

STATE OF MAINE

**BEFORE THE JUSTICES OF THE
MAINE SUPREME JUDICIAL COURT**

Docket No. OJ-17-1

**In the Matter of Request for Opinion of the Justices
Relating to Questions Posed by the Senate**

**BRIEF OF
THE COMMITTEE FOR RANKED CHOICE VOTING**

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INTRODUCTION

The Committee for Ranked Choice Voting (the “Campaign”) submits this brief in response to the Court’s Procedural Order dated February 7, 2017. With nearly 1,000 Maine citizens (none paid from out-of-state) collecting over 70,000 signatures, the Campaign successfully put Question 5, which asked voters if they wished to establish ranked choice voting as their method of electing their Representatives, Senators, and Governor, on the ballot last fall. It then successfully led the campaign for its passage. The Campaign Committee has 42 members, 60 County Co-Chairs representing all 16 counties and thousands of endorsers and supporters, including Republicans, Democrats, Independents and Greens and representatives from Aroostook County to York County. A list of the Campaign Committee members is attached as Exhibit A. Because of its role as the chief promoter and principal advocate for ranked choice voting during the campaign, the Campaign respectfully requests the opportunity to be heard on April 13, 2017.

BACKGROUND

On November 8, 2016, the voters of Maine enacted Ranked Choice Voting as their preferred method of electing their federal and state representatives, senators, and Governor (the Act”). The impetus for the Act came from deep frustration with an electoral system that had elected a governor with less than 40%

of the vote five times in the last eleven elections and in only two of those elections had a candidate received a majority.

The Act seeks, among other things, to eliminate the election of candidates with narrow support, to encourage candidates to broaden their appeal beyond narrow factions, to eliminate the conundrum of strategic or “lesser of two evils” voting, and to reduce or eliminate negative campaigning. It achieves these objectives by allowing voters to express their preferences by ranking the candidates. Thus, a “vote” under ranked choice voting consists of all the rankings of the voter’s preferences, not just the voter’s first and only choice as under the current system. Ranked choice voting applies to all federal and state primary and general elections. Almost 400,000 Maine citizens voted in favor of this change to Maine’s election laws, the second highest “yes” vote total in the history of all Maine citizen initiatives.¹

Although neither the House nor the Senate chose to seek an opinion from the Justices while this citizen-initiated bill was pending in the Legislature,² the Senate,

¹ Ranked Choice Voting received more votes than: • Same Sex Marriage • Term Limits • Tax Cuts • Casinos • Gun Control • Medical Marijuana • Recreational Marijuana; more votes than Angus King in his 2012 U.S. Senate race, his 1994 governor’s race and his 1998 governor’s race; 170,000 more votes than Paul LePage in his 2010 Governor’s Race, and 94,000 more votes than LePage in 2014, when he received the highest number of votes in any gubernatorial election.

² Nor did the Governor seek an opinion before he issued the constitutionally required proclamation, which made the Act effective and the law in the State of Maine for the primary and general elections of United States Senator, United States Representative to Congress, Governor, State Senator and State Representative.

on a divided vote, has now asked the Justices to opine on the constitutionality of the statute after it has become law.

Specifically, the Senate has posed three questions:

1. Does the Act's requirement that the Secretary of State count the votes centrally in multiple rounds conflict with the provisions of the Constitution of Maine that require that the city and town officials sort, count, declare and record the votes in elections for Representative, Senator and Governor as provided in the Constitution of Maine, Article IV, Part First, Section 5, Article IV, Part Second, Section 3 and Article V, Part First, Section 3?
2. Does the method of ranked-choice voting established by the Act in elections for Representative, Senator and Governor violate the provisions of the Constitution of Maine Article IV, Part First, Section 5, Article IV, Part Second, Sections 3 and 4 and Article V, Part First, Section 3, respectively, which declare that the person elected shall be the candidate who receives a plurality of all the votes counted and declared by city and town officials as recorded on lists returned to the Secretary of State?
3. Does the requirement in the Act that a tie between candidates for Governor in the final round of counting be decided by lot conflict with the provisions of the Constitution of Maine, Article V, Part First, Section 3 relating to resolution of a tie vote for Governor by the House of Representatives and Senate?

All these questions involve constitutional provisions relating to a subset of the elections covered by the Act: the general election for Representative, Senator, and Governor. Federal elections and federal and state primaries now must be conducted using ranked choice voting regardless of the Justices' decision here.

Each of the Senate's questions unambiguously and impermissibly asks for an interpretation of the Act, an existing law. Each of the questions, moreover, relates to a future possible application of the Act or to the responsibilities of city and town officials, who are not members of the legislative branch. Finally, none of the questions relate to any matter pending before the Senate as to which there is a question as to the Senate's power to act. For all these reasons, the Justices should

conclude that no solemn occasion exists, and decline to answer the questions posed by the Senate.

Should the Justices – or any one of them – determine that, notwithstanding this clear precedent, they will respond to the questions, the answer to each should be emphatically “no.” Nothing in the Act prevents municipal officials from sorting, counting, declaring and recording the ranked choice votes prior to the final determination of the candidate with the most votes. And nothing in the Constitution prohibits the people from determining how to define a vote or the form of ballots. The people are free to define a vote as a ranked choice vote, just as they were free to adopt term limits almost 25 years ago. Since the winner resulting from ranked choice voting is the candidate with the most votes after *all* votes are returned, there is no conflict with the use of “plurality” in Articles IV and V.

I. No Solemn Occasion Exists Permitting Issuance of an Advisory Opinion.

The long-standing rule that “no solemn occasion exists when the Justices are asked to give their opinions on the law which is already in effect” requires that the Court decline to answer the Senate’s question, as do other settled rules circumscribing the scope of judicial authority.

A. The Questions impermissibly seek interpretations of existing law

The principle that interpretations of existing law do not present a solemn occasion is well established. In 1975, for example, the Justices were asked

questions relating to a bill dealing with the improper marking of write-in votes. The bill was proposed to “clarify” existing law as a result of an interpretation of the law by the Attorney General with which some members of the Legislature disagreed. In concluding that no solemn occasion existed, the Justices approvingly quoted the conclusions of an 1889 *Answer of the Justices of the Supreme Judicial Court of Massachusetts*:

“There is no doubt whatever as to the power of the House to pass any bill, within the limits of the Constitution, which it sees fit, in amendment or alteration of these sections. Our opinion, if given, would not in any way affect the power of the House to repeal these sections, or to amend them, or declare the meaning of them, if there is doubt about the meaning. . . .

The only exigency which seems to exist for requiring our opinion is that members of the House differ in their views as to the construction of the statute, and, if our opinion is given, it may affect the views of some members as to the necessity or propriety of amending it. As we have before said, this is not an unusual exigency, and does not create or present a solemn occasion within the fair meaning of the Constitution”.

Opinion of the Justices, 339 A.2d 483, 488 (Me. 1975) (quoting *Answer of the Justices*, 148 Mass. 623, 627, 21 N.E. 439 (1889) (Oliver W. Holmes, Jr., J, participating)).

The Maine Justices concluded that the questions relating to the write-in vote provisions were “almost identical” to the questions before the Justices of the Massachusetts Supreme Judicial Court. *Id.* The “power of the legislative body to pass a proposed bill was not in question” and “[t]he doubt entertained by members of the legislative *body related only to the proper interpretation of an existing statute.*” *Id.* at 488-89 (emphasis added). Accordingly, “[t]o answer the

questions... would require us to disregard the limitations expressly placed on our authority”. *Id.* at 489.

The Justices reached the same conclusion when it came to the question of the *constitutional validity* of a statute. *Opinion of the Justices*, 355 A.2d 341 (Me. 1976). In that case, the Justices were asked about a proposed change to an existing statute relating to traffic infractions. The specific question related to the constitutionality of the existing statutory jury trial waiver, which the proposed change did not affect. The Justices determined that, because the subject matter addressed by the question was actually the law already in effect, it was not a solemn occasion. *Id.* at 390. The fact that the questions posed related to the constitutional validity of a statute made no difference:

“We are aware that in *Opinion of the Justices* [339 A.2d 483 (Me. 1975)], the questions were directed to the interpretation of the meaning of a statute, *whereas the present inquiries relate to the constitutional validity of an already effective statute. This difference is without legal significance since in each situation the root inquiry is the same, i.e., what is the existing law.*”

Id. (emphasis added).³

The situation here is no different and requires the same response – requests about the constitutionality of the Act simply do not present a solemn occasion permitting a response from the Justices.

³ See also *Opinion of the Justices*, 437 A.2d 597, 599-600, 611 (Me. 1981) (reaffirming that interpretations of existing law “do not rise to the level of a ‘solemn occasion’” and declining to respond to questions relating to the public trust doctrine); *Opinion of the Justices*, 396 A.2d 219, 225 (Me. 1979) (Justices declined to answer questions involving applicability of statute to law partners of a candidate for Attorney General since “at their root, all of the questions seek ... an interpretation of an existing statute” and hence no solemn occasion existed).

B. Multiple other considerations mandate a decision declining to answer the questions

The Justices have consistently made clear that a solemn occasion requires a pressing, exigent circumstance, a matter of a serious and immediate nature, a matter of live gravity. Advisory opinions “do not replace, and are not designed to replace, or to be a substitute for, decisions made in course of litigation.” *Opinion of the Justices*, 157 Me. 152, 160, 170 A.2d 652, 656 (1961). The Justices will not issue advisory opinions as to the future effect or application of a statute or proposed statute since to do so would “involve the Justices at least indirectly in the legislative process” in violation of the separation of powers and “is not within the constitutional power of the Justices to answer in an advisory opinion.” *Opinion of the Justices*, 437 A.2d 597, 611 (Me. 1981).

The questions posed by the Senate all relate to hypothetical yet-to-be determined scenarios. Each question requires speculation about the operation and application of the Act, precisely what the Justices have consistently held cannot be addressed by means of an advisory opinion, but rather must be resolved through a litigated case on a fully developed record.⁴

⁴ Another principle bars responding to at least the first question, which is a question posed by the Senate that relates to the obligations of Town and City officials and potentially the Secretary of State, members of the Executive Branch. The separation of powers has long been held to require that the Justices decline to answer a request “made by one branch of government for an advisory opinion regarding the power, duty, or authority of another branch” *Opinion of the Justices*, 709 A.2d 1183, 1186 (Me. 1997); *Opinion of the Justices*, 460 A.2d 1341, 1349 (Me. 1982).

Finally, the concept of “live gravity” requires that there actually be something pending before the body posing the questions as to which the opinion of the Justices would be helpful. *See, e.g., Opinion of the Justices*, 2002 ME 169, ¶ 6 815 A.2d 791 (“First, the matter must be of ‘live gravity,’ referring to the immediacy and seriousness of the question. . . . ‘A solemn occasion refers to an unusual exigency, such an exigency as exists when the body making the inquiry, *having some action in view, has serious doubts as to its power and authority to take such action* under the Constitution or under existing statutes.’”) (emphasis added).

No such circumstance exists here since none of the questions relate to anything live or pending before the Senate – a divided Senate merely requests the Justices’ opinion on the constitutional validity of an existing statute, not whether the Legislature may consider a particular course of action.⁵

To overcome these unambiguous prohibitions against issuance of an advisory opinion, the Senate asserts three propositions: 1) that intervention by the Justices now, before the Legislature adjourns, will somehow eliminate uncertainty “over the outcome of future election contests”; 2) that the Senate needs guidance on whether to propose a constitutional amendment to implement ranked choice

⁵ *See, e.g., Opinion of the Justices*, 709 A.2d 1183, 1186 (Me. 1997) (No solemn occasion exists when the Governor has no present intention to propose specific legislation, nor is there any pending legislative activity); *Opinion of the Justices*, 674 A.2d 501, 502 (Me. 1996) (since question of enactment of the bill was no longer before the Legislature, solemn occasion no longer existed).

voting; and 3) that the Legislature must determine whether to appropriate a claimed \$1.5 million to implement ranked choice voting.

None of these asserted circumstances constitutes a solemn occasion. The last two are straightforward. The Legislature is free to propose a constitutional amendment at any time and the Act does not interfere with its ability to do so. As Justice Holmes and the other Massachusetts Justices pointed out over 120 years ago, “[t]here is no doubt whatever as to the power of the house to pass any bill, within the limits of the constitution, which it sees fit, in amendment or alteration of these sections.” *Answer of the Justices*, 148 Mass. at 627. Similarly, the question of passing an appropriation to fund implementation of the Act is also a matter exclusively committed to the Legislature, just as its obligation to fund, *e.g.*, the Secretary of State to prepare ballots and conduct recounts. 21-A M.R.S.A. §§ 601, 737-A. And, in any case, funding to implement the Act for federal and primary elections will be required however the Court resolves the questions here.

Finally, the uncertainty argument impermissibly seeks to create an exigency or solemn occasion on the most hypothetical of scenarios. The Legislature plainly has no ability in this session to affect the “outcome of future elections.” The outcome of any future election is always uncertain. But even accepting that (1) some hypothetical future winner may not have been ahead during the first round of tabulation and (2) that could cause someone to challenge the validity of that future

election, there simply is no basis under Article VI of the Constitution for the Justices to issue an advisory opinion now.

First, the Justices may not give advisory opinions on hypothetical situations. How ranked choice voting will work once it has been implemented cannot be determined now. If ranked choice voting causes candidates to broaden their support first in primaries and then the general election, for example, the candidate with the broadest appeal is likely to be ahead initially and then prevail in the end.⁶ The Court should not—and cannot under Article VI of the Constitution—respond to hypotheticals about the future application of the statute.⁷

Second, to the extent the argument relates to uncertainty created by a delay while the issue is being litigated, the Justices are more than capable of quickly resolving an actual matter of live gravity and would have ample time between any election and inauguration to address the matter. The Justices have on numerous occasions demonstrated the capacity to respond as quickly as required under the circumstances and no doubt could in that situation as well.⁸ Most recently, the

⁶ Maine, over the last 40 years, has had multiple elections involving more than 2 candidates and at least in several of those cases the person with a plurality in the first round likely still would have won under ranked choice voting.

⁷ This is particularly true of Question 3 and the statistically almost impossible scenario of a tie vote between the two persons having the largest number of votes for Governor, which not only assumes such a remote outcome, but further assumes that election officials rather than the Legislature will in fact make that future determination. The need for any judicial resolution of this point is so speculative and remote that it need not be addressed any further.

⁸ See, e.g., *Opinion of the Justices*, 132 Me. 512, 174 A. 853 (1933) (questions relating to a people's veto and the effect of the 21st Amendment posed on December 7, 1933, and answered on December 15);

Justices considered certain timing issues relating to the Governor’s exercise of the veto power. *Opinion of the Justices*, 2015 ME 107, 123 A.3d 494. There the questions were communicated to the Justices on July 17 and responded to on August 6. Thus, it is readily apparent that the courts have the capacity to respond as quickly as necessary to resolve any actual live controversy should one arise, whether through an appropriate request for a solemn occasion or through litigation.⁹

Finally, to the extent the uncertainty argument relates to the general problem of a court potentially having to undo an election, courts routinely deal with litigation regarding the outcome of elections. They are well equipped to deal with such disputes in an actual case or controversy and to fashion an appropriate remedy given the facts of a particular case, including the party who brought the challenge, the timing of the challenge, the application of the constitutional provisions to the actual situation at hand, and the competing equities.¹⁰ Indeed *less* uncertainty is created by waiting for an actual case or controversy because any advisory opinion

Opinion of the Justices, 501 A.2d 16 (Me. 1985) (questions relating to constitutionality of excise tax passed by initiative posed by Governor on November 14, and answered in eleven days).

⁹ See, e.g., *Washington v. Trump*, 847 F.3d 1151(9th Cir. 2017) (case challenging President Trump’s Executive Order on immigration filed on January 30, 2017, TRO issued by the District Court on February 3, treated as preliminary injunction by the Court of Appeals and upheld on February 9).

¹⁰ See, e.g., *Bowes v. Indiana Sec’y of State*, 837 F.3d 813 (7th Cir. 2016) (court denied request to hold special election even though current judges were elected under an unconstitutional system; ruling of unconstitutionality applied prospectively as a result of weighing the competing interests); Cf. *Opinion of the Justices*, 371 A.2d 616, 622 (Me. 1977) (right to challenge absentee ballot lost if not timely made before ballot cast; “challenges are waived where failure adequately to preserve them precludes an appropriate remedy.”).

of the Justices could not undo this existing law, would have no precedential effect, and would thus still require litigation of that future controversy.

II. Nothing in the Constitution Restricts the People’s Authority to Enact Ranked Choice Voting

General principles of interpretation, the plenary power of the people to enact legislation, the plain meaning of the words “plurality” and “vote,” and the purpose of the amendment to the Constitution authorizing elections by a plurality of the people all compel the conclusion that ranked choice voting is fully constitutional.

A. General Principles

Ranked choice voting was enacted by the people to establish how they want to vote. Review of this citizen initiative is highly deferential: “When the people enact legislation by popular vote, we construe the citizen initiative provisions of the Maine Constitution liberally in order to facilitate the people’s exercise of their sovereign power to legislate.” *League of Women Voters v. Sec’y of State*, 683 A.2d 769, 771 (Me. 1996). *See also Opinion of the Justices*, 275 A.2d 800, 803 (Me.1971); *Orono–Veazie Water Dist. v. Penobscot Cnty. Water Co.*, 348 A.2d 249, 253 (Me.1975).

Moreover, “[a]ll legislative enactments are presumed constitutional” and the “party attacking the constitutionality of a state statute [] carries a heavy burden of persuasion.” *Aseptic Packaging Council v. State*, 637 A.2d 457, 459 (Me. 1994). “A statute’s unconstitutionality ‘must be established to such a degree of certainty

as to leave no room for reasonable doubt.” *Id.* at 459 (citing *Orono-Veazie Water Dist.*, 348 A.2d at 253).

If the statute can be construed as constitutional, it must be upheld. *Maine Milk Producers v. Com’r of Agriculture*, 483 A.2d 1213, 1218 (Me. 1984) (“A strong presumption of constitutionality attaches to all statutes, which will be construed, where possible, to preserve their constitutionality”; for plaintiffs to prevail, they “must prove that no logical construction can be given to the words of the Milk Pool Act that will make it constitutional.”). If a “reasonable interpretation which would satisfy constitutional requirements” exists, the Court is “bound to adopt that interpretation as it sustains the statute.” *Portland Pipe Line Corp. v. Envtl. Imp. Comm’n*, 307 A.2d 1, 15 (Me. 1973).¹¹

The provisions of the Maine Constitution, furthermore, “are accorded a liberal interpretation in order to carry out their broad purpose” and “should receive such a liberal and practical construction as will permit the purpose of the people expressed therein to be carried out, if such a construction is reasonably possible.” *Allen v. Quinn*, 459 A.2d 1098, 1102, 1104 (Me. 1983).

Finally, the Court has recognized that the Constitution is flexible and the meaning of its terms may vary with changing needs and expectations. *See, e.g.*,

¹¹ *Accord, Nader v. Maine Democratic Party*, 2012 ME 57, ¶ 19, 41 A.3d 551; *Bossie v. State*, 488 A.2d 477, 479 (Me. 1985); *State v. Davenport*, 326 A.2d 1, 5-6 (Me. 1974); *Rideout v. Riendeau*, 2000 ME 198, ¶ 14, 761 A.2d 291 (“[I]f we can reasonably interpret a statute as satisfying those constitutional requirements, we must read it in such a way, notwithstanding other possible unconstitutional interpretations of the same statute.”)

Opinion of the Justices, 231 A.2d 431, 433 (Me. 1967) (the Constitutional term public use “is a flexible one, and necessarily has been of constant growth, as new public uses have developed.”)¹²

B. The Legislative Power is Plenary Unless Expressly Limited by the Constitution

Under the Maine Constitution, “[t]he power granted to the Legislature ... is plenary and subject only to those limitations placed on it by the Maine and United States Constitutions.” *League of Women Voters*, 683 A.2d at 771. Thus, “[t]he Legislature of Maine may enact any law of any character or on any subject unless it is prohibited, either in express terms or by necessary implication, by the Constitution of the United States or the Constitution of this State.” *Id.* (quoting *Baxter v. Waterville Sewerage Dist.*, 146 Me. 211, 215, 79 A.2d 585, 588 (1951)). See also *Inhabitants of Town of Warren v. Norwood*, 138 Me. 180, 24 A.2d 229, 235 (1941).

The Court and the Justices have consistently applied this principle to uphold enactments challenged on constitutional grounds. See, e.g., *Opinion of the Justices*, 119 Me. 603, 113 A. 614, 616-17 (1921) (nothing in the Constitution restricts the Legislature from authorizing the appointment of women as justices of

¹² The Maine Constitution “was deliberately kept simple and open-ended.” Tinkle, *The Maine State Constitution: A Reference Guide* 16 (1992) [hereinafter Tinkle]. “It has been called a blueprint for government, but in truth it merely delineates the foundations, permitting the structure of government to be built up higher and higher, although always within prescribed boundaries.” *Id.* “[T]his inherent flexibility has been met by a corresponding adaptability on the part of the document’s chief interpreters. Judicial attitudes have naturally evolved along with societal norms as a whole, and the Law Court has recognized that the meaning of constitutional terms may vary with changing needs and expectations.” *Id.*

the peace notwithstanding the absence of express language permitting it); *Opinion of the Justices*, 133 Me. 525, 178 A. 621, 622-23 (1935) (Justices unanimously concluded that since Amendment 36 of the Constitution did not prohibit the Legislature from imposing taxes other than those on real and personal property, the Legislature was left “free to impose other taxes...”). *See also Opinion of the Justices*, 255 A.2d 655, 665 (Me. 1969) (same).

Perhaps most directly relevant to the inquiry here is the pair of decisions relating to term limits. While the citizen-initiated bill to impose term limits on legislators, constitutional officers and the state auditor was pending in the Legislature, the Justices were asked their opinion on the constitutionality of the proposed legislation. Although two Justices concluded that no solemn occasion was presented since the measure had not been passed by the voters and accordingly declined to respond, five Justices did respond to the questions posed by the House. The Justices concluded that there was no express prohibition against the Legislature enacting additional qualifications for representative or senator, nor did the presence of certain qualifications for those offices in the Constitution deprive the Legislature of that power by necessary implication. *Opinion of the Justices*, 623 A.2d 1258, 1262-63 (Me. 1993).

The Court reaffirmed that view unanimously in *League of Women Voters v. Sec’y of State*, 683 A.2d 769 (Me. 1996). There, candidates and others brought a challenge in federal court to the *application* of term limits. The federal court

certified a question almost identical to the ones posed by the Senate here: could term limits be enacted by legislation or only by constitutional amendment? The Court unambiguously and unanimously concluded that nothing precluded this exercise of the people’s legislative power:

“When the people enact legislation by popular vote, we construe the citizen initiative provisions of the Maine Constitution liberally in order to facilitate the people’s exercise of their sovereign power to legislate. The exercise of initiative power by the people is simply a popular means of exercising the plenary legislative power ‘to make and establish all reasonable laws and regulations for the defense and benefit of the people of this State....’”

Id. at 771. (citations omitted).

C. These Principles Require a Negative Response to Each Question.

The two principal questions posed by the Senate each must be answered “no” in light of the foregoing principles.¹³

1. Sort, Count and Declare

The Senate’s question relating to the Constitution’s requirement that local officials “sort, count, declare and record the votes” seems driven more by concerns over implementation than by any perceived restriction on the exercise of the people’s will.¹⁴ Under the current election system, votes are counted at the local level and the results reported to the Secretary of State, who then tabulates in aggregate all the results. 21-A M.R.S.A. § 722; *See Opinion of Justices*, 2002 ME

¹³ As noted above, *supra* note 7, the question relating to a tie vote in a gubernatorial contest is too speculative to merit further discussion.

¹⁴ *See* Letter from Janet Mills to Michael Thibodeau dated March 4, 2016, at note 13 (attached to the Senate’s questions) (process “would be extremely cumbersome, time-consuming”).

169, ¶ 22, 815 A.2d 791. Since, under ranked choice voting all the votes (expressed as rankings of preferences) would still be sorted and counted at the local level, only the process of tabulation by the Secretary of State would be any different.

Nothing in the Constitution prohibits the people from establishing a method of *tabulation*, as opposed to the initial sorting and counting at the local level. Indeed, another section of the Constitution shows that not only does the Constitution not prohibit the Legislature from establishing a method of tabulation, but it also explicitly authorizes the Legislature to do so: “The Legislature may by law authorize the dividing of towns into voting districts for all state and national elections, and *prescribe the manner in which the votes shall be received, counted, and the result of the election declared.*” Me. Const. art. IX, §12 (emphasis added). And the Constitution generally authorizes the Secretary of State to perform whatever duties “shall be required by law.” Me. Const. art. V, pt. 2, § 43.

Moreover, the Senate’s concerns are premised on the erroneous assumption that a municipality in the first instance can only “sort, count, record and declare” the first choice preference and not the entire ranking of preferences. If there were legitimate concerns about who must perform rounds of counting of continuing ballots after the initial round, that could be addressed in a variety of ways, including by having the Secretary of State inform the local officials as to the last-place candidate after the first round and for the local officials to then reallocate the

preferences from any continuing ballots and report those results back to the Secretary of State. Although that process might cause more delay than having the Secretary do all the tabulation, it answers the overly technical argument being made about this provision. *Cf. Opinions of the Justices*, 70 Me. 560, 569 (1879) (“It is enough if the returns can be understood, and if understood, full effect should be given to their natural and obvious meaning. They are not to be strangled by idle technicalities, nor is their meaning to be distorted by carping and captious criticism.”)

Since the Act has not yet been implemented, which approach will be adopted has yet to be determined. Suffice it to say that since there are ways to interpret the Act consistently with the “sort, count and declare” provisions, it must be upheld.

2. The plurality provisions of the Constitution are triggered only once all the votes in that election are counted.

The principal challenge to the Act’s constitutionality is based on the provision that determination of the winner shall be by “a plurality of all votes returned.” Both the plain meaning of “plurality” and “vote” support rather than prohibit ranked choice voting as determining “a plurality of all votes returned.” In fact, ranked choice voting furthers the purpose of the several Constitutional amendments changing from majority to plurality voting.¹⁵

¹⁵ The three provisions relating to election for members of the House, Senate, and Governor are Article IV, Part First, Section 5 (House), Article IV, Part Second, Sections 3 and 4 (Senate), and Article V, Part First, Section 3 (Governor). They each use essentially the same language describing the person elected as the one who has received “a plurality of all the votes.”

a. “Vote” and “Plurality”

To understand the issue requires first addressing the meaning of “vote,” since “plurality” is used in connection with “all votes returned.” Black’s Law Dictionary defines “vote” as “the expression of one’s preference or opinion in a meeting or election by ballot, show of hands, or other type of communication.” *Black’s Law Dictionary* 1711 (9th ed. 2009).¹⁶ The term “vote” has similarly been interpreted by the Ohio Supreme Court which stated “[a]n indication by a preference number is clearly a formal expression of a preference and thus is an indication of a vote.” *State ex rel. Sherrill v. Brown*, 155 Ohio St. 607, 610, 99 N.E.2d 779 (1951) (per curium) (Discussing ballots where voters vote by indicating a preference number for the Cincinnati councilmanic election).

Because the Constitution does not define or limit the definition of the term “vote,” and because a ranked choice vote is consistent with the plain meaning of

¹⁶ See also *Vote*, An American Dictionary of the English Language (1880) (“2. Wish, voice, or opinion, of a person or body of persons, expressed in some received and authorized way; the expression of a wish, desire, will preference, or choice, in regard to any measure proposed, in which the person voting has an interest in common with others, either in electing a man to office, or in passing laws, rules regulations, and the like; suffrage; 3. That by which will or preference is expressed in elections, or in deciding propositions; a ballot, ticket, or the like...”); *Vote*, The Concise Oxford Dictionary of Current English (5th ed. 1964) (“1. Formal expression of will or opinion in regard to election of office etc., sanctioning law, passing resolution, etc., ...); *Vote*; Webster’s Dictionary (1828), at <http://webstersdictionary1828.com/Dictionary/vote>, 1. Suffrage; the expression of a wish, desire, will, preference or choice, in regard to any measure proposed, in which the person voting has an interest in common with others, either in electing a man to office, or in passing laws, rules, regulations and the like. This *vote* or expression of will may be given by holding up the hand, by rising and standing up, by the voice, [viva voce.] by ballot, by a ticket or otherwise. All these modes and others are used. Hence, 2. That by which will or preference is expressed in elections or in deciding propositions; a ballot; a ticket, etc.; as a written *vote*....

“vote” as an “expression of preference,” the people’s power to define it as a ranked choice vote must be upheld, absent a limitation found by necessary implication.

The Attorney General attempts to infer such a limitation by assuming that a “vote” means the expression of a voter’s first preference, the only expression of preference currently allowed. But nothing in the Constitution necessarily implies such a crabbed view of “vote,” particularly in light of the fact that ballots today include multiple “votes” and modern technology can easily manage those ballots. Given the expansion of voter choice provided by ranked choice voting and the need for flexibility to meet changing times long recognized by this Court, the notion that a “vote” is necessarily limited to an expression of a single preference cannot be supported.¹⁷

The use of “plurality” in the Constitution does not change this analysis in any way. A plurality simply means the most votes.¹⁸ All the constitutional provision at issue means, accordingly, is that the winner is the candidate who

¹⁷ Other courts have universally determined that the ranking of preferences in ranked choice voting comprises a vote. The Minnesota Supreme Court, for example, considered, without discussing, a ranked choice vote to be within the definition of a vote, by stating, “[o]nly one vote, or candidate ranking, is counted for each ballot in each round of counting votes.” *Minnesota Voters All. v. City of Minneapolis*, 766 N.W.2d 683, 687 (Minn. 2009). Similarly, the Ninth Circuit, explaining restricted instant runoff voting, stated that “restricted IRV considers only one round of inputs, i.e., votes.” *Dudum v. Arntz*, 640 F.3d 1098, 1107 (9th Cir. 2011). As well as that “the ability to rank preferences sequentially does not affect the ultimate weight accorded any vote cast in the election.” *Id.* at 1113.

¹⁸ *Plurality*, An American Dictionary of the English Language by Noah Webster (G. & C. Merriam 1880) “a state of being or having a greater *number*” (emphasis added); *Plurality*, The Concise Oxford Dictionary of Current English (H.W. Fowler and F.G. Fowler ed., 5th ed 1964) defined “plurality” as “large *number*, multitude.” (emphasis added).

receives a plurality, *i.e.* the most votes, after *all the votes* are returned.¹⁹ To read “plurality” as foreclosing ranked choice voting on the ground that the use of the term plurality means or was intended to mean that a vote is confined to a single expression of preference finds no support in the language of the Constitution, nor, as we now show, is it consistent with the intent of the drafters of the provision.

b. The purpose of the “plurality” provisions

The purpose of the constitutional change from majority to plurality, most historically dramatic in connection with the provisions relating to the Governor, underscores the conclusion that the use of “plurality” was not intended to ensure a particular method of election but rather to avoid the evil of legislative frustration of the people’s will.²⁰ There is absolutely no indication that the purpose of the provision was to impose a strict limitation on the actual tabulation method, or to bind the voters’ hands in choosing a method of voting they prefer. Rather, the history of the provision establishes unequivocally that its purpose was to ensure that the people were given control over elections, free from mischief by the Legislature.

¹⁹ For a more detailed discussion of plurality voting, *see generally* Brief of Dmitry Bam.

²⁰ In the case of the House of Representatives, the original provision required a majority of votes at town meeting; if no majority was obtained, another meeting was required and that process continued until a majority was achieved. Me Const. art. IV, Pt. 1, § 5 (1820). This provision was changed to a plurality in 1847 to avoid the necessity of reiterative town meetings. Tinkle at 67. The amendment of Article IV, Pt. Second, Sec. Four relating to the election of Senators was made in 1875. *Id.* at 71. That provision had required a majority and in the absence of a majority, an election by the Legislature. Me. Const. art. IV, pt. 2, §§ 4,5 (1820). Its purpose, like that of the provision relating to Governor, was to place the decision in the hands of the people, not the Legislature.

Article V dealing with the election of the Governor makes this particularly clear. That section initially provided that if no candidate garnered a majority of votes, the winner would be chosen by the House and Senate:

“But, if no person shall have a majority of votes, *the House of Representatives shall, by ballot, from the persons having the four highest numbers of votes... elect two persons, and make return of their names to the Senate, of whom the Senate shall elect one, who shall be declared the Governor.*”

Me. Const. art. V, pt. 1, §3 (1820) (emphasis added). In the aftermath of the 1876 election and the formation of the Greenback Party, a Republican, a Democrat, and a Greenback ran for Governor in 1878.²¹ The Republican received the most votes, the Greenback was second, and Alonzo Garcelon, the Democrat, was a distant third. Hatch at 595. Since no candidate received a majority as then required by the Constitution, the election was thrown into first the House and then the Senate.²² Notwithstanding Garcelon’s placement as a distant third, a coalition of Democrats and Greenbacks in the House forwarded the names of the Democrat and the Greenback to the Senate. Hatch at 595. Because the Senate, which was controlled by the Republicans, preferred the Democrat to the Greenback, Garcelon, the third place finisher, was elected. Hatch at 595; Wallace at 254.

²¹ Louis Clinton Hatch, *Maine: A History* 594-95 (Centennial ed. 1919) [hereinafter “Hatch”]. We gratefully acknowledge Michael T. Devine’s development of the historical materials concerning the 1879-80 crisis.

²² Willard M. Wallace, *Soul of the Lion: A Biography of General Joshua L. Chamberlain* 254 (1960) [hereinafter “Wallace”]; Me. Const. art. V, pt. 1, §3 (1820).

At the time, gubernatorial elections occurred every year. In 1879, again no candidate received a majority: the Republican Davis received just under 50% of the total votes, Smith of the Greenback Party was second, and Garcelon, the sitting Governor was again a distant third. Wallace at 254; Hatch at 599. Although the Republicans appeared to have won control of both the House and the Senate,²³ Governor Garcelon and the Executive Council refused to summons a number of apparently elected legislators on technical challenges to the validity of certain returns and to allow others to take their seats.²⁴ They then tried to form a legislature and elect officers and then the Governor.²⁵ Meanwhile, the Republicans tried to establish a legislature. Abbott at 564-65. Violence threatened to break out and Joshua Chamberlain came to the Capitol to take control of the militia and maintain order. Hatch at 609; Wallace at 259.

These legislative shenanigans carried out by Garcelon and his cronies are detailed in three *Opinions of the Justices*, decided over the course of just over three weeks and ultimately resulting in a definitive ruling as to which body was the

²³ Richard A. Hebert, 1 *Modern Maine: Its Historical Background People and Resources* 242 (1951) [hereinafter “Hebert”]; James Grant, *Mr. Speaker! The Life and Times of Thomas B. Reed: The Man Who Broke the Filibuster* 118 (2011) [hereinafter “Grant”]; Hatch at 599

²⁴ John S.C. Abbott, *The History of Maine* 562 (2d ed., Augusta, Maine, Brown Thurston Co. 1892) [hereinafter “Abbott”]; Grant at 118-19; Hebert at 242-43.

²⁵ David M. Gold, *The Shaping of Nineteenth-Century Law: John Appleton and Responsible Individualism* 157 (1990)

lawfully constituted legislature. 70 Me. 560 (1879); 70 Me. 570 (1880); 70 Me. 600 (1880).

Given this background, it can hardly be a surprise that the people voted in 1880 to take the power to select the Governor away from the Legislature. The change to a plurality from a majority was simply intended to restore to the *people* the right to choose their Governor and not leave it to the manipulations of partisan members of the Executive Council and Legislature.

This overarching purpose was confirmed again during the more recent legislative debate over a proposed constitutional amendment relating to a tie vote. Representative Rust, questioning the need for the amendment, moved to indefinitely postpone the matter. 2 Legis. Rec. H-1943, 1954 (Reg. Sess. 1963). Speaking in favor of the amendment, Representative Berman argued as follows:

This amendment seeks to clarify existing law. Now under existing law if no person, as a candidate for governor, shall have a plurality of votes, the House of Representatives shall by ballot from the persons having the four highest number of votes on the list, if so many there be, elect two persons, and make return of their names to the Senate, of whom the Senate shall by ballot elect one who shall be declared the governor. Now this is why there is a need for L.D. 1451. Under existing law the House of Representatives could take the lowest two of four names on the gubernatorial totem pole, send them over to the Senate and the Senate would in effect be choosing as governor one of the people who had run for that office who had received either the third or fourth largest number of votes rather than the first or second largest number of votes..

Id. at 1956 (emphasis added). The House voted to pass the amendment, *id.* at 1956-57, and it was adopted by the people on November 18, 1964.

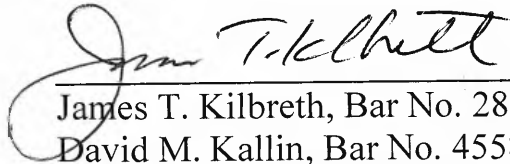
That debate and outcome mirror precisely the rationale for the 1880 amendment changing majority to plurality. Ranked choice voting, far from

hindering or conflicting with that purpose, uses modern techniques and concepts to give the people more control over the conduct of their elections: the people get to express *all* their preferences and control the outcome without political interference from the Legislature.

CONCLUSION

For the foregoing reasons, the Justices should decline to respond to the Senate's questions. If any answers are to be given, however, they must be in the negative and uphold the people's right to determine how their elections will be conducted.

Dated: March 3, 2017


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Exhibit A



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Campaign Committee

(listed alphabetically)

Ron Bancroft, Cumberland

Ron Bancroft is the founder of Bancroft & Company, a firm that offers strategic guidance to small and medium sized businesses. Bancroft was a founder and former Chairman of the Maine Coalition for Excellence in Education. He subsequently was a founding Board member of Educate Maine. Bancroft is also a member of the Board of the Great Schools Partnership.

Bobbi Beavers, South Berwick

After a long and varied career as a research chemist, businessperson, educator and arts administrator, Bobbi Beavers has served as a Democrat in the Maine House of Representatives for the past six years. She is a co-founder of both the Seacoast Energy Initiative and AccessMaine.

Christine Burstein, Lincolnville

Christine Burstein has served as a Democrat in the Maine House since 2015 and previously on the Five Towns Consolidated School Board. For more than 35 years she has served the health care needs of Maine families as a nurse, nurse practitioner, medical instructor and community activist.

Joseph Carleton, Jr., Wells

Joseph Carleton, Jr. served as a Republican in the Maine House for eight years, including as Assistant Republican Leader from 1994-1996. From 2010-

2012 he worked as Secretary of the Maine Senate. A registered parliamentarian, he has also been a town meeting moderator for over two decades. He is an attorney who currently serves as co-chair of the Maine Advisory Council at the Community Association Institute.

Alan Casavant, Biddeford

Alan Casavant was recently elected to his third term as mayor of Biddeford. He previously served from 1976-1992 on the Town Council, and as a Democrat in the Maine House from 2008-2014. He is a retired teacher from the Biddeford public schools.

John Cleveland, Auburn

John Cleveland served as a Democrat in the Maine State Senate for ten years. He also served on the Auburn City Council for four years and as Mayor of Auburn for six years. Cleveland owns and operates Community Dynamics Corporation, a firm that assists rural communities and nonprofit organizations with economic and community development.

Jim Cohen, Portland

Jim Cohen is a former Councilor and Mayor of Portland. Cohen served as Vice Chair of the Portland Charter Commission which studied and recommended the adoption of Ranked Choice Voting in Portland. Cohen is a partner at Verrill Dana LLP. He has also served as a former chair of the Greater Portland Chamber of Commerce, and on the board of the Maine State Chamber of Commerce.

Dennis Damon, Trenton

Dennis Damon is a businessman, former high school civics teacher, and fourth generation commercial fisherman who was Hancock County Commissioner for three terms before serving for eight years as a Democrat in the Maine Senate. Damon is also an active board member of the Penobscot East Resource Center, the Maine Sea Coast Mission, and the Eastern Maine Development Corporation, among many other organizations.

Jerry Davis, Falmouth

Jerry Davis served as a Republican in the Maine House and Senate for ten years. Davis also served on the Falmouth School Committee. He is retired high school history teacher and a former PeaceCorps volunteer.

Nelson Durgin, Bangor

Nelson Durgin is a Bangor City Councilor and former Mayor. He had a long military career culminating in his promotion to Major General and appointment as Maine's Adjutant General and Commissioner of the Department of Defense, Veterans, and Emergency Management in the McKernan Administration. After retirement from the military he served for 15 years as Executive Director of Phillips-Strickland House, a residential care and independent living facility in Bangor.

John Eder, Portland

John Eder is a member of the Portland Board of Education. Eder served as a Green in the Maine House of Representatives for four years, and holds the distinction of having been one of the highest-ranking elected Green official in the United States. Eder was a candidate for mayor in the 2011 Portland mayoral election in which Ranked Choice Voting was used.

Mark J. Ellis, Gardiner

Mark J. Ellis served as Chair of the Maine Republican Party for three years and subsequently as Director of Technology and Communications for the Maine State Legislature. He now owns and operates Spinnergy Media, a firm focused on new media development. A long-time Republican activist, Ellis has worked for numerous campaigns at both the state and national levels.

Stacey Fitts, Pittsfield

Stacey Fitts served as a Republican in the Maine House for eight years. He sat on the Joint Committee for Legal and Veterans Affairs, which holds jurisdiction over election law, and co-sponsored Ranked Choice Voting legislation twice during his tenure. Fitts works as Director of Summit Solutions at Summit Natural Gas of Maine.

Les Fossel, Alna

Les Fossel served as a Republican in the Maine House for four years and the former chair of the Lincoln County Republican Committee. In addition to extensive charity work, Fossel currently owns and runs one of the premier building restoration companies in the state

Terry Hayes, Buckfield

Terry Hayes is currently the State Treasurer, the first Independent to hold that

position. Hayes previously served as a Democrat in the Maine House from 2006-2014. She is a former teacher, educational administrator, and school board member and an outspoken advocate for restoring greater civility in Maine politics.

Horace 'Hoddy' Hildreth Jr., Falmouth

A long-time conservationist and preservationist, Horace 'Hoddy' Hildreth Jr. practiced law and government relations for Pierce Atwood and later opened his own firm specializing in environmental law and public policy. One of his first hires was a youthful Angus King. He later took over the management of Diversified Communications and grew it from a small family business into a world-wide, Maine-based media company.

Sherry Huber, Falmouth

Sherry Huber served as a Republican in the Maine House for six years. A two-time candidate for Governor, Huber was the first woman ever to run in the Republican gubernatorial primary. She is the long-time Executive Director of the Maine Timber Research and Environment Education Foundation (Maine TREE).

Ron Lovaglio, Augusta

Ron Lovaglio was the Commissioner of Conservation under Governor King. He is currently a Board Member of the Maine Timber Research and Environmental Education Foundation (Maine TREE) and runs a consulting firm specializing in forest certification across North America. Lovaglio has worked as the Director of Wood Resource and Certificate for Sappi Fine Paper and Chief Forester for the International Paper's Northeast Region. He has served as Chairs for both UMaine CFRU and the Maine State Board of Licensing for Foresters.

Ann Luther, Trenton

Ann Luther is the former President and current Treasurer and Advocacy Chair of the League of Women Voters of Maine. She is a former Board President. Luther is also the Board Treasurer of Maine Citizens for Clean Elections, and recently won the prestigious Roger Baldwin Award from the ACLU of Maine for her work in protecting voting rights throughout the state.

Jorge Maderal, Brunswick

Jorge Maderal is former Chair and the current 1st District Representative of the

Libertarian Party of Maine. A Navy veteran, he is an electrical engineer and a member of the Board of Directors for the Hydrogen Energy Center. Active within the American Legion, he is also a former adviser to the Mid-Coast Veteran's Council.

L. Sandy Maisel, Rome

L. Sandy Maisel is a professor and Chair of the Government Department at Colby College, where he has taught for 45 years. He is a past president of the New England Political Science Association and currently co-principle investigator on a major grant from the Pew Charitable Trusts examining the impact of various efforts to improve the quality of the electoral process.

Cara McCormick, Cape Elizabeth

Cara McCormick serves as Treasurer for the Committee for Ranked Choice Voting. She is a co-founder and principal of SmartCampaigns, a political consulting company providing strategic advice and research to many presidential, senate, and gubernatorial campaigns across the country.

Dale McCormick, Augusta

Presently a member of the Augusta City Council, Dale McCormick served as a Democrat in the Maine Senate from 1990-1996, as Maine State Treasurer from 1997-2004, and as director of the Maine State Housing Authority from 2005-2011. She holds the distinctions of being the first openly LGBT person to serve in the Maine Legislature, and the first women in the United States to be a journeyman carpenter.

Peter Mills, Cornville

Peter Mills served as a Republican in the Maine Senate and House for fifteen years. He twice ran in the Republican primary for governor. Mills is a Navy veteran and attorney in private practice. In 2011, Governor LePage appointed Mills as Executive Director of the Maine Turnpike Authority.

Chip Morrison, Auburn

Chip Morrison is a former Commissioner of both the Maine Department of Administration and the Maine Department of Labor. Upon his retirement from state government he served for two decades as President and CEO of the Androscoggin County Chamber of Commerce. He now serves on numerous not-for-profit boards in the Lewiston-Auburn area.

Judy Paradis, Frenchville

Judy Paradis served as a Democrat in the Maine House and Senate from 1986-1994. A noted bi-lingual educator who speaks Acadian French, she was inducted into the Maine Women's Hall of Fame in 2005.

Clare Hudson Payne, Holden

Clare Hudson Payne is an attorney at Eaton Peabody and works as an adjunct professor at the New England School of Communication at Husson University. In addition to participating on numerous corporate and not-for-profit boards, Payne has served for 12 years as a Holden town councilor including terms as vice-Chair and Chair.

Wendy Pieh, Bremen

Wendy Pieh served as a Democrat in the Maine House of Representatives for four non-consecutive terms, including her last three as chair of the Agriculture, Conservation, and Forestry Committee where she worked to balance commercial and conservation interests. She is currently chair of the Bremen Town Selectmen, the owner of Springtide Farm, and warmly serves on the Board of Directors of the Cashmere Goat Association.

Hannah Pingree, North Haven

Hannah Pingree served for eight years as a democrat in the Maine House and was elected Speaker of the House in her final term. She now manages her family inn and restaurant, Nebo Lodge, on North Haven, and serves on the North Haven Community School Board.

David Rollins, Augusta

David Rollins serves as the Mayor of Augusta. He also served as a city councilor for two terms before being elected as Mayor. Rollins works as a real estate appraiser and is an active community member.

Diane Russell, Portland

Diane Russell has served as a Democrat in the Maine House of Representative for the past 8 years. Russell introduced or co-sponsored Ranked Choice Voting legislation five times during her tenure in office. In 2011 The Nation magazine named her "Most Valuable State Representative" on its annual Progressive Honor Roll.

Mike Saxl, Belgrade

Mike Saxl served as a Democrat in the Maine House from 1995-2002 during which time he successively held the positions of Majority Whip, Majority Leader, and Speaker of the House. Upon his retirement from politics Saxl became counsel to Verrill Dana and managing principal of Maine Street Solutions, a public relations firm.

Jim Shaffer, Cape Elizabeth

Jim Shaffer is the former Dean of the School of Business at the University of Southern Maine. Previously he served as CEO of Guy Gannett Communications Inc. until his retirement after thirty years in the media industry. He now works with numerous non-profits including serving as President of the Board of the Portland Ballet.

Betsy Smith, Portland

As Executive Director for 11 years of EqualityMaine. Betsy Smith led the state-wide efforts to win non-discrimination protections for LGBT people and the freedom to marry for same-sex couples. She is the founder of Vision and Strategy, a firm which provides fund-raising and strategic consulting services to not-for-profits across the state.

George Smith, Mount Vernon

For 18 years the Director of the Sportsman's Alliance of Maine. George Smith works now as a full-time travel and outdoors writer and political commentator. Host and creator of the television show "Wildfire", now sponsored by Maine Audubon, his newspaper columns appear regularly in the Kennebec Journal, the Waterville Morning Sentinel, and The Maine Sportsman.

Ben Sprague, Bangor

Ben Sprague currently serves his native-town of Bangor as City Councilor and as Vice Chair of both its Public Health Advisory Board and its Tri-Country Workforce Investment Board. Now a corporate banker, Sprague previously worked in Boston as a high school educator, as an investment manager, and in the front office of the Boston Red Sox.

Bonnie Titcomb Lewis, Raymond

Bonnie Titcomb Lewis served three terms as a Democrat in the Maine Senate. A former teacher and coach turned activist, she began her political career

leading the fight against the federal government's efforts to dump high-level nuclear waste in the Sebago Lake watershed. Today She is a Board Member of Aroostook Aspirations Initiative and Development Manager for Sexual Assault Response Services of Southern Maine.

Bev Uhlenhake, Brewer

First elected to the Brewer Town Council in 2013, Bev Uhlenhake now serves as the city's Mayor. She also works as a commercial real estate broker, and is the former Executive Director for the Bangor Humane Society.

Jill Ward, South Portland

Jill Ward is the current President of the League of Women Voters of Maine. A long-time activist, she has also served on the Board of Maine Citizens for Clean Elections. She has held senior policy positions with Girl Scouts of the USA and the Children's Defense Fund in Washington, and previously served on the congressional staff of Senator George Mitchell.

Polly Ward, Freeport

Polly Ward is the Vice President for the League of Women Voters of Maine. She chaired the League's study group on electoral reform that resulted in the organization's endorsement of Ranked Choice Voting. A long-time education policy professional, Ward served as Deputy Commissioner of Education in the McKernan Administration.

Joan Welsh, Rockport

Joan Welsh has served as a Democrat in the Maine House of Representatives for the past 8 years. She is the former President and CEO of Hurricane Outward Bound, a former Director of Academic Affairs at Rockland College, and former Deputy Director for the Natural Resource Council of Maine.

Dick Woodbury, Yarmouth

Chair of the Committee for Rank Choice Voting, Dick Woodbury introduced RCV legislation in Maine while serving as an Independent in the Maine House and Senate for five terms. A noted economist who works for the National Bureau of Economic Research, he has been a visiting scholar with the Federal Reserve Bank of Boston and written extensively on tax reform in Maine.