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04333-0001

June 5, 2018

The Honorable Matthew Dunlap
Secretary of State
148 State House Station
Augusta, ME 04333

Dear Secretary Dunlap:

I am dismayed with the confusing and potentially misleading wording of the ballot question regarding the people's veto of the bill passed by the Legislature to attempt to fix the constitutional conflicts with the original Ranked Choice Voting referendum.

The wording is as follows: "Do you want to reject the parts of a new law that would delay the use of ranked-choice voting in the election of candidates for any state or federal office until 2022, and then retain the method only if the constitution is amended by December 1, 2021, to allow ranked-choice voting for candidates in state elections?"

I have been disappointed with the lack of clarity and the misleading nature of recent referendum questions because, in an effort to be short, questions about multi-part, complex bills have only presented part of the issue to the voter. The wording for the minimum wage and the 3 percent surcharge referendum are two of the best examples from the past two years. However, you have outdone yourself with oversimplifying the Ranked Choice Voting ballot question for next week.

This question asks voters to reject and retain parts of a law, with the result of delaying and retaining certain parts, with two different dates for other actions to be taken, including a constitutional amendment. Some rejections would affect both state and federal laws, and some retentions would only affect state laws, if certain actions are taken by a specific date.

Voters don't know whether they are coming or going.

This question should have been worded clearly and directly. It might take a bit more time, but it can be done. If doing so would have required a longer question broken into clear, understandable sections, then that is how it should have been written. The statute requires that the Secretary of State word the "question in a simple, clear, concise and direct manner that describes the subject matter." The statute does not privilege brevity over clarity.



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Yes, voters can avail themselves of opportunities to become educated about what is on the ballot ahead of time, and it is always beneficial to have an informed electorate. However, this should be subjected to a test of reasonability. Most of voters have other priorities, like family and work, and do not have time to ensure that they have parsed out the legal implications of such a convoluted question. It is unreasonable to assume that they do so.

Not only is it unreasonable, it is elitist, disrespectful and counterproductive for a state agency to tell citizens that, in order to understand a question that should have been written in the plainest language possible, it is incumbent upon them—rather than us as public servants—to do the heavy lifting.

Now you are taking public comment on suggested wording for the fall ballot question: “Do you want to create the Universal Home Care Program, which will provide services to people with disabilities and senior citizens who need daily assistance in their homes, funded by a new tax of 3.8% on individual income over \$128,400?” Again, this wording reduces a complex bill that includes not only the tax and the home care payment, but also the establishment of a new bureaucracy with no state oversight and significant potential collective bargaining implications for state government.

The special interests want questions to gloss over the complicated policy to appear as if a yes vote will bring only good things to the Maine people. That is not the right thing to do.

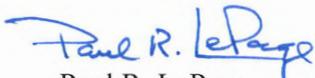
Even well-written bills for good public policy can have some negative consequences. The art of governing is rarely a win-win for everyone. But recent referendums have not only been bad policy: the bills have been poorly written and have lacked essential components. In deference to the special-interest petitioners, the questions have been devoid of this context, instead asking voters to make feel-good decisions rather than make tough decisions on policies with both upsides and downsides.

The voters and the taxpayers of Maine deserve clear questions that reflect all major components of the legislation on which they are voting, as the statute requires. It is our duty and obligation as public servants to provide information in a manner through which voters can more fully and easily understand the implications of their vote.

We work under the direction of the voters, not the special interests backing these referendums, and it is the voters to whom we are responsible. The voters and taxpayers deserve to be treated with respect.

I ask you to remember that when you word future questions.

Sincerely,



Paul R. LePage
Governor