



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 696

H.P. 465

House of Representatives, February 16, 2023

An Act to Allow the People to Elect the State Auditor

Reference to the Committee on State and Local Government suggested and ordered printed.

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative ANDREWS of Paris.

Cosponsored by Representatives: BOYER of Poland, GREENWOOD of Wales, RISEMAN of Harrison, SUPICA of Bangor, Senator: HICKMAN of Kennebec.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 5 MRSA §241, first ¶**, as amended by PL 2013, c. 16, §1, is further amended
3 to read:

4 The State Auditor is the head of the Office of the State Auditor. The State Auditor
5 must be a certified public accountant or a college graduate with not less than 6 years of
6 experience as a professional accountant or auditor, including not less than 5 years of
7 auditing experience, of which not less than 4 years must have been in a supervisory
8 capacity. ~~The~~ Until 2024, the State Auditor must be elected by the Legislature by a joint
9 ballot of the Senators and Representatives in convention and holds office for a term of 4
10 years or until a successor is elected and qualified. Beginning in 2024, the State Auditor is
11 elected every 4 years in the same manner as is the Governor. If a vacancy occurs, the
12 Governor shall appoint a successor who is subject to confirmation in the same manner as
13 Justices of the Supreme Judicial Court. The State Auditor shall exercise ~~such~~ the powers
14 and perform ~~such~~ the duties as are set forth in this chapter. ~~In case the office of State~~
15 ~~Auditor becomes vacant during a period when the Legislature is not in session, the~~
16 ~~appointment of a person to fill such vacancy must be made immediately by the President~~
17 ~~of the Senate or if that office is vacant, by the Speaker of the House, and the person~~
18 ~~appointed holds that office until such time as the Legislature meets in regular or special~~
19 ~~session, and either confirm the appointment of the person or chooses another person to fill~~
20 ~~the office during the unexpired term.~~

21 **Sec. 2. 5 MRSA §241, 2nd ¶**, as amended by PL 2015, c. 44, §3, is further amended
22 to read:

23 If a person elected to the office of State Auditor is not qualified as, or has not
24 successfully completed or passed the examination for, a certified public accountant,
25 certified information systems auditor or certified internal auditor at the time of election and
26 fails to become so qualified within 9 months of being sworn into office, as required by
27 section 242, that person may no longer serve as State Auditor ~~and is ineligible for reelection~~
28 ~~by the same Legislature~~ and the office of State Auditor is deemed vacant.

29 **SUMMARY**

30 This bill provides for the popular election of the State Auditor every 4 years beginning
31 in 2024.