



Testimony in Support of LD 773, “RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require Constitutional Officers To Be Elected by Statewide Election,” **LD 874**, “RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require the Popular Election of Maine Constitutional Officers,” **LD 1018**, “RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow the Citizens of the State To Elect the Secretary of State, Treasurer of State and Attorney General,” **LD 1056**, “RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Attorney General,” **LD 1057**, “RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Secretary of State,” **LD 1058**, “RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Treasurer of State,”

Senator Baldacci, Representative Matlack, and the distinguished members of the Committee on State and Local Government, my name is Nick Murray and I serve as policy analyst for Maine Policy Institute, a nonpartisan, non-profit organization that advocates for individual liberty and economic freedom in Maine. Thank you for the opportunity to testify in support of LDs 773, 874, 1018, 1056, 1057, and 1058.

Under current law, all three of Maine’s constitutional officers are selected by the whole Legislature—the House and Senate combined. Maine is the only state in which the legislature selects the attorney general. Only two other states select their secretaries of state in this manner.¹

Unfortunately, the current system benefits entrenched insiders and the politically well-connected. Too often, personal connections with legislators—more than professional qualifications—can influence the appointment of a constitutional officer. In recent years, the overwhelming majority of constitutional officers have had previous experience serving in the Legislature, suggesting that political connections—more than professional competence—may have influenced their appointments.

For these reasons, bills like these appear in every session, drawing support from both sides of the aisle and everywhere in between. Unfortunately, none have progressed because legislators are reticent to relinquish their power in this realm.

As the *Bangor Daily News* editorial board wrote last December, constitutional officers “are frequently former lawmakers or former candidates from whichever party

¹ [Attorney General Office Characteristics](#) | National Association of Attorneys General ; [Secretary of State \(state executive office\)](#) | Ballotpedia

has a majority in the State House at that time....In appearance, if not in practice, these offices often seem to be a career step for whoever is most popular or best-positioned within the party that has the most seats in the Legislature.”²

Matt Dunlap is a very honorable man, and served the state well as Secretary of State, but he was a shoe-in for state auditor this year. He is not an accountant, a requirement for the job, but nonetheless was selected by his longtime friends and colleagues in the legislature’s Democratic caucus.

I’m sure Mr. Dunlap will be a great auditor once he fulfills the statutory requirements of the office in the next nine months or so, but don’t the people deserve a candidate who is qualified *and* experienced on day one?

Constitutional officers play a central role in ensuring that public affairs are carried out in a coherent and nonpartisan way, but Maine’s current process is more opaque than necessary to select some of the most powerful public officials in state government. Maine voters should be able to hear constitutional officer candidates’ priorities directly, not from outside of a smoke-filled room. Direct election would remedy much of this issue.

In order to embrace the benefits of democracy, enhance transparency and maintain the highest levels of trust in public administration, please report these bills “Ought to Pass” and fix this potential blindspot in our state’s governance. Thank you for your time and consideration.

² [“Editorial: Maine voters, not lawmakers, should elect these four officials,”](#) *Bangor Daily News*, December 1, 2020

Nick Murray
Maine Policy Institute

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