



### **Testimony in Support of LD 749:**

“An Act to Ensure That the Will of the Voters Is Reflected in Interim Appointments of United States Senators”

Senator Baldacci, Representative Salisbury, and the distinguished members of the Committee on State and Local Government, my name is Harris Van Pate, and I serve as policy analyst for Maine Policy Institute. Maine Policy is a free market think tank, a nonpartisan, non-profit organization that advocates for individual liberty and economic freedom in Maine. We appreciate the opportunity to offer our support for LD 749, which ensures that interim appointments to the United States Senate reflect the will of Maine voters.

LD 749 is a commonsense reform that upholds democratic principles by requiring that, in the event of a vacancy in Maine’s U.S. Senate delegation, the appointed replacement must be from the same political party as the departing senator at the time of their last election. This bill also ensures that if an independent senator vacates their seat, their replacement remains unaffiliated with any party. LD 749 preserves the integrity of Maine voters’ previous electoral decisions by maintaining party consistency. It prevents undue political maneuvering that could alter the balance of power in Washington without voter input.

### **Protecting Voter Intent**

Maine voters elect their U.S. Senators based on their policy positions, party affiliations, and ideological commitments. When a senator is forced to vacate their seat before the completion of their term, the interim appointment should align with the electorate’s intent. LD 749 guarantees that no political party can exploit a vacancy to install a senator whose views do not reflect those of the voters who elected their predecessor. This is especially crucial given the growing polarization of national politics and the high stakes of Senate control.

### **Preventing Partisan Manipulation**

Without this reform, an appointment could be used as an opportunity for political gamesmanship, where a governor—regardless of party—could appoint an individual who does not align with the political views of the departed senator’s constituents. This has occurred in other states, where gubernatorial appointments have shifted the partisan makeup of Senate delegations, effectively overriding voter preferences. By codifying the principle that a replacement must be from the same party or remain independent, LD 749 creates a stable, fair, and transparent process.



## **Aligning with Best Practices**

LD 749 aligns with similar legislation in other states that seek to maintain voter intent in the appointment process. Nine states, including Democrat-majority Hawaii, Maryland, and Nevada, have enacted laws requiring interim U.S. Senate appointments from the same party as the outgoing senator.<sup>1</sup> This reform enhances public trust in government by ensuring that the democratic process is not subverted by political expediency.

## **Conclusion**

Maine Policy Institute firmly supports LD 749 as a safeguard against political maneuvering in appointing U.S. Senators. The bill strengthens democratic legitimacy, enhances voter confidence, and ensures that Maine's representation in Washington accurately reflects the will of its electorate. We urge this committee to vote Ought to Pass on LD 749 to uphold the integrity of our elections and prevent undue influence over Maine's representation in the U.S. Senate. Thank you for your time and consideration.

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<https://www.pewresearch.org/short-reads/2024/08/06/how-do-states-fill-vacancies-in-the-us-senate-it-depends-on-the-state/>