



Testimony in Support of LDs 147, 148, 149, 150, 452, 455, 508, 1068, and 1161:

A set of bills and constitutional amendments to provide for the statewide popular election of the positions of Secretary of State, State Treasurer, Attorney General, and State Auditor

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.

Thank you for the opportunity to testify in support of LD 147, LD 148, LD 149, LD 150, LD 452, LD 455, LD 508, LD 1068, and LD 1161. Collectively, these bills seek to transition the selection process for Maine’s constitutional officers—Secretary of State, State Treasurer, Attorney General, and State Auditor—to a system of statewide popular elections.

These bills represent an essential reform to improve transparency, accountability, and public trust in appointing Maine’s most critical constitutional offices. They reflect that the public, not the Legislature, should have the ultimate authority in determining who fills these highly impactful and vital roles within state government.

The Problem with the Current Appointment Process

Maine is one of only a handful of states where any constitutional officer is chosen exclusively by the Legislature. While this system may have been effective at an earlier time, it now creates significant challenges:

- **Lack of Accountability:** Appointments made by legislators remove the public from the decision-making process. These officials are responsible for executing laws and managing taxpayer resources, yet they are not directly answerable to the people they serve.
- **Partisan Influence:** The current system heavily favors the majority party in the Legislature, often resulting in appointments that reflect political alliances rather than broad public interest or qualifications for the roles they serve.
- **Public Perception:** The appointment process is viewed by many Mainers as an “insider” system, reinforcing mistrust in government institutions.

The Case for Statewide Elections



Transitioning these roles to statewide elections will align Maine’s governance with national norms and strengthen public trust in constitutional offices. Currently, 35 states elect their Secretary of State,¹ 43 elect their Attorney General,² 24 elect their State Auditor,³ and 36 elect their state treasurer.⁴ Also of note is how few states select these offices by legislative decision; only three states do so for Secretary of State, and only four states allow their Legislature to appoint the State Treasurer. Additionally, 24 states have statewide elections for State Auditor, and Maine is the only state whose Legislature selects the Attorney General.

The roles of these offices in investigating corruption means that legislative appointment, especially the nontransparent kind, raises major questions as to the risk of abuse of power due to officeholder bias.

Statewide elections provide several key advantages:

1. **Enhanced Accountability:** Statewide elections ensure that constitutional officers are directly answerable to voters. Candidates must articulate their platforms, earn public support, and act in ways that reflect the will of the people.
2. **Increased Transparency:** Campaigning for office requires candidates to engage with the public, debate policy, and disclose their priorities. This transparency helps voters make informed decisions.
3. **Balanced Representation:** A statewide electoral process removes the dominance of the majority party in the Legislature, giving all Mainers a voice in these critical decisions, regardless of their geographic or political affiliation.

Why This Reform Matters

Constitutional officers play a vital role in safeguarding democracy, enforcing the rule of law, and ensuring fiscal accountability. Their authority includes:

- Overseeing elections (Secretary of State)
- Managing state funds (Treasurer)
- Prosecuting legal cases and providing legal counsel to the state (Attorney General)
- Auditing public accounts (State Auditor)

¹ [https://ballotpedia.org/Secretary_of_State_\(state_executive_office\)](https://ballotpedia.org/Secretary_of_State_(state_executive_office))

² [https://ballotpedia.org/Attorney_General_\(state_executive_office\)](https://ballotpedia.org/Attorney_General_(state_executive_office))

³ [https://ballotpedia.org/Auditor_\(state_executive_office\)](https://ballotpedia.org/Auditor_(state_executive_office))

⁴ [https://ballotpedia.org/Treasurer_\(state_executive_office\)](https://ballotpedia.org/Treasurer_(state_executive_office))



These are roles that demand public trust and confidence. Allowing voters to choose these officials directly will strengthen the legitimacy of these offices and ensure they reflect the diverse interests of Maine people.

Recent controversies regarding certain constitutional officers include a scandal surrounding Attorney General Aaron Frey. By not going through either an election or a public confirmation process, Frey's character was never scrutinized. Later, he abused his position of power by failing to disclose an inappropriate affair he was having with a subordinate employee within the Attorney General's Office.⁵

Another example of unqualified former lawmakers being appointed to important constitutional officer positions can be seen with Matthew Dunlap. In 2020, the Legislature selected him to be the state auditor after he was termed out of the Secretary of State position. Dunlap, previously a state representative, had no previous auditing credentials. Under state law, he had nine months to acquire them.⁶ To become qualified for the position, Dunlap needed to obtain internal auditor credentials, which requires passing three different exams. After taking two attempts at the first exam, Dunlap failed both the second and third exams resulting in the state auditor office becoming vacant. After five months of vacancy, Dunlap eventually earned the necessary qualifications for the position and subsequently reappointed to the position.

Despite eventually earning the credentials, it was obvious at the time of his first appointment that he was not the most qualified person in the state for the position, and it is difficult to see what got him the appointment besides his relationship with other legislators.

Furthermore, Secretary of State Shenna Bellows caused a major controversy by attempting to unconstitutionally remove President Donald Trump from the 2024 general election ballot in Maine.⁷ The Supreme Court eventually ruled that this was unconstitutional, and if she had been successful, Donald Trump likely would not have received one electoral vote from Maine's Second Congressional District.

Some may claim that statewide elections could politicize these offices. We argue, as evidenced above, these offices are already politicized. Popular elections are the only way

⁵ <https://apnews.com/article/maine-attorney-general-relationship-staffer-e24eae74f7b928294fe68383c7017090>

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<https://www.goingconcern.com/maines-utterly-unqualified-state-auditor-just-stepped-down-because-he-couldnt-pass-the-certified-internal-auditor-exam/>

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<https://wgme.com/news/local/maine-supreme-court-dismisses-secretary-state-shenna-bellows-appeal-former-president-donald-trump-ballot-case>



to make the individuals in these roles accountable to Maine citizens rather than the insulated Legislature.

Conclusion

For too long, Maine has operated under a system that prioritizes legislative convenience over public participation. LD 147, LD 148, LD 149, LD 150, LD 452, LD 455, LD 508, LD 1068, and LD 1161 present an opportunity to bring Maine in line with most other states and ensure that constitutional officers are chosen by, and accountable to, the people of Maine.

We urge this committee to vote “Ought to Pass” on these bills. Thank you for your time and consideration.