

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 1193

S.P. 482

In Senate, March 20, 2025

**An Act to Require the Legislature to Elect Constitutional Officers
and the State Auditor in Convention with an Open Ballot System**

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BENNETT of Oxford.
Cosponsored by Representative WARREN of Scarborough and
Representative: CARLOW of Buxton.

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

2 **Sec. 1. 5 MRSA §81**, as amended by PL 1977, c. 674, §1, is further amended by
3 amending the section headnote to read:

4 **§81. Office and duties; vacancy; salary; expenses; fees; election convention**

5 **Sec. 2. 5 MRSA §81**, as amended by PL 1977, c. 674, §1, is further amended by
6 enacting at the end a new paragraph to read:

7 A convention that is held by the Legislature to elect the Secretary of State pursuant to
8 the Constitution of Maine, Article V, Part Second, Section 1 must be open to the public and
9 the vote of each voting Senator and Representative must be recorded and made available
10 for public inspection.

11 **Sec. 3. 5 MRSA §121**, as amended by PL 2005, c. 683, Pt. C, §1, is further amended
12 by amending the section headnote to read:

13 **§121. Office; bond; salary; deputy; fees; election convention**

14 **Sec. 4. 5 MRSA §121**, as amended by PL 2005, c. 683, Pt. C, §1, is further amended
15 by enacting at the end a new paragraph to read:

16 A convention that is held by the Legislature to elect the Treasurer of State pursuant to
17 the Constitution of Maine, Article V, Part Third, Section 1 must be open to the public and
18 the vote of each voting Senator and Representative must be recorded and made available
19 for public inspection.

20 **Sec. 5. 5 MRSA §191-A**, as corrected by RR 2023, c. 2, Pt. B, §26, is amended to
21 read:

22 **§191-A. ~~Transition~~ Election convention; transition period**

23 A convention that is held by the Legislature to elect the Attorney General pursuant to
24 the Constitution of Maine, Article IX, Section 11 must be open to the public and the vote
25 of each voting Senator and Representative must be recorded and made available for public
26 inspection.

27 In order to provide for an orderly transition following the biennial election of the
28 Attorney General, the Attorney General-elect may not take the oath of office or otherwise
29 qualify for the office for a period of no less than 30 days following that election.

30 **Sec. 6. 5 MRSA §241**, as amended by PL 2015, c. 44, §3, is further amended by
31 amending the section headnote to read:

32 **§241. State Auditor; election convention; salary**

33 **Sec. 7. 5 MRSA §241, first ¶**, as amended by PL 2013, c. 16, §1, is further amended
34 to read:

35 The State Auditor is the head of the Office of the State Auditor. The State Auditor must
36 be a certified public accountant or a college graduate with not less than 6 years of
37 experience as a professional accountant or auditor, including not less than 5 years of
38 auditing experience, of which not less than 4 years must have been in a supervisory
39 capacity. The State Auditor must be elected by the Legislature by a joint ballot of the
40 Senators and Representatives in convention ~~and~~ The convention must be open to the public

1 and the vote of each voting Senator and Representative must be recorded and made
2 available for public inspection. The State Auditor holds office for a term of 4 years or until
3 a successor is elected and qualified. The State Auditor shall exercise ~~such~~ the powers and
4 perform ~~such~~ the duties as are set forth in this chapter. In case the office of State Auditor
5 becomes vacant during a period when the Legislature is not in session, the appointment of
6 a person to fill ~~such~~ the vacancy must be made immediately by the President of the Senate
7 or, if that office is vacant, by the Speaker of the House, and the person appointed holds that
8 office until such time as the Legislature meets in regular or special session, and either
9 ~~confirm~~ confirms the appointment of the person or chooses another person to fill the office
10 during the unexpired term.

11

SUMMARY

12 This bill requires that the conventions held by the Legislature to elect the Secretary of
13 State, the Treasurer of State, the Attorney General and the State Auditor must be open to
14 the public and the vote of each voting Senator and Representative must be recorded.