

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 941

H. P. 723

House of Representatives, February 20, 1969

Referred to Committee on Election Laws. Sent up for concurrence and 1,000 ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Hewes of Cape Elizabeth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT to Hold the Primary Election on the Second Tuesday After Labor Day.

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

Sec. 1. R. S., T. 5, § 85, amended. Section 85 of Title 5 of the Revised Statutes is amended to read as follows:

§ 85. Distribution of blanks for election returns; penalty for neglect

The Secretary of State shall cause blanks for all election returns required by law to be seasonably distributed to the clerks of the several towns, by mail, If any clerk fails to receive such blanks by the ~~20th day of October in any year in which an election is held~~ 7 days prior to an election, of which returns are to be made to the office of the Secretary of State, he shall forthwith notify the Secretary of State. If the Secretary of State neglects this duty he forfeits \$100 for each neglect.

Sec. 2. R. S., T. 21, § 445, sub-§ 9, amended. Subsection 9 of section 445 of Title 21 of the Revised Statutes is amended to read as follows:

9. When filed. It must be filed with the Secretary of State on or before ~~April~~ July 1st of the election year in which it is to be used.

Sec. 3. R. S., T. 21, § 448, amended. Section 448 of Title 21 of the Revised Statutes is amended to read as follows:

§ 448. Time of election

The primary election shall be held on the ~~3rd Monday of June~~ 2nd Tuesday after Labor Day of each general election year.

Sec. 4. R. S., T. 21, § 492, sub-§ 10, amended. Subsection 10 of section 492 of Title 21 of the Revised Statutes is amended to read as follows:

10. When filed. It must be filed with the Secretary of State on or before ~~August 15th~~ **September 25th** of the election year in which it is to be used.

Sec. 5. R. S., T. 21, § 1151, amended. The first paragraph of section 1151 of Title 21 of the Revised Statutes is amended to read as follows:

On the written application of a candidate in any **general** election within 5 days after election day, the clerk shall permit him or his counsel to inspect the ballots and checklists under proper protective regulations.

Sec. 6. R. S., T. 21, § 1152, amended. The first paragraph of section 1152 of Title 21 of the Revised Statutes is amended to read as follows:

On the written application of a losing candidate in any election not later than 10 days after the tabulation of the vote is submitted to the Governor and Council, **except that in a primary election, the losing candidate shall request such recount not later than 6 days after election day**, the Secretary of State shall permit him or his counsel to recount the ballots under proper protective regulations, subject to the following provisions:

Sec. 7. R. S., T. 21, § 1152, sub-§ 3, amended. Subsection 3 of section 1152 of Title 21 of the Revised Statutes is amended to read as follows:

3. Ballots and checklists recalled. On receipt of the application, **or at his own discretion**, the Secretary of State shall recall all the ballots and checklists from the clerk of each municipality concerned. The clerk shall return or release them to him as soon as any pending ballot inspection has been made.

Sec. 8. R. S., T. 21, § 1152, sub-§ 11, additional. Section 1152 of Title 21 of the Revised Statutes is amended by adding a new subsection 11, to read as follows:

11. If recount not resolved in primary election. **If the results of a recount, in a primary election, cannot be resolved within 21 days after primary election day, the state committee of the political party involved shall meet within 24 hours to name the winning candidate whose name shall be promptly submitted to the Secretary of State.**