

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



119th MAINE LEGISLATURE

SECOND REGULAR SESSION-1999

Legislative Document

No. 2293

S.P. 878

In Senate, December 15, 1999

An Act to Amend the Laws Governing Municipal Elections.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 15, 1999. Referred to the Committee on Legal and Veterans Affairs and ordered printed pursuant to Joint Rule 308.2

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator ABROMSON of Cumberland.

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

4 **Sec. 1. 30-A MRSA §2531-A, sub-§11 is enacted to read:**

6 **11. Resolution; disputed or challenged ballots.** A
8 municipality may provide by ordinance, or order of the municipal
10 officers, a method for resolving disputed or challenged ballots
12 in an election in which there are enough challenged or disputed
14 ballots to affect the result of the election. The ordinance or
16 order may delegate the municipal officers' responsibility to
18 resolve disputed or challenged ballots to another entity,
20 including, but not limited to, an independent panel or the
Superior Court. If the delegation is to the Superior Court, the
municipal clerk shall forward the disputed or challenged ballots
and related records to the clerk of the nearest Superior Court in
the county in which the election was held. The Superior Court
shall determine the result of the election as soon as reasonably
possible pursuant to procedures adopted by court rule. The
decision of the Superior Court is final and must be certified to
the municipal clerk.

22 **Sec. 2. 30-A MRSA §2553, first ¶, as amended by PL 1993, c.**
24 **608, §15, is further amended to read:**

26 Within 30 days after election day, or at a later date agreed
28 upon in writing by the candidates contesting an election result,
30 a person who claims to have been elected to any municipal office
may proceed against another who claims title to the office by the
following procedure.

32 SUMMARY

34 In municipal elections, current law requires the municipal
36 officers to decide what to do with disputed or challenged
38 ballots. That requirement creates a conflict in cases where
40 incumbents seek reelection because the incumbents have to decide
42 whether to award disputed or challenged ballots to themselves or
44 their opponents. It also creates conflicts where other
incumbents who are not seeking reelection have endorsed or worked
for different candidates. This bill allows municipalities to
avoid these conflicts by passing an ordinance or an order of the
municipal officers delegating the municipal officers'
responsibility to another decision-making entity.

46 The bill also allows candidates who are contesting an
48 election result to agree to extend the current 30-day period
within which an appeal to court must be filed.