MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document	**No. 1289**

S.P. 518   In Senate, March 25, 2025

An Act to Amend the Election Recount Process

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator PIERCE of Cumberland.
Cosponsored by Senators: DUSON of Cumberland, HICKMAN of Kennebec, Representative: SUPICA of Bangor.

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

2   **Sec. 1. 21-A MRSA §737-A, sub-§1,** as amended by PL 2023, c. 304, Pt. A, §22,
3   is further amended to read:

4   **1. Deposit for legislative or single county office recount.** This subsection applies to
5   a recount for an election for the office of State Senator or State Representative or for a
6   county office that does not encompass more than one county. All deposits required by this
7   section must be made with the Secretary of State when a recount is requested by a losing
8   candidate or an undeclared write-in candidate. Once the sworn law enforcement officers
9   or the State Police have taken custody of the ballots and other election materials from the
10   municipalities, the deposit made by the candidate requesting the recount is forfeited to the
11   State if the resulting count fails to change the outcome of the election. If the recount
12   reverses the election, the deposit must be returned to the candidate requesting the recount.
13   The amount of the deposit is calculated as follows.

14   A. If the percentage difference shown by the official tabulation between the leading
15   candidate and the requesting candidate is ~~1.5%~~ 0.75% or less of the total votes cast for
16   that office, a deposit is not required.

17   B. If the percentage difference shown by the official tabulation between the leading
18   candidate and the requesting candidate is more than ~~1.5%~~ 0.75% and less than or equal
19   to ~~4%~~ 2% of the total votes cast for that office, the deposit is $500.

20   C. If the percentage difference shown by the official tabulation between the leading
21   candidate and the requesting candidate is more than ~~4%~~ 2% and less than or equal to
22   ~~6%~~ 3% of the total votes cast for that office, the deposit is $1,000.

23   D. If the percentage difference shown by the official tabulation between the leading
24   candidate and the requesting candidate is more than ~~6%~~ 3% and less than or equal to
25   ~~8%~~ 4% of the total votes cast for that office, the deposit is $2,500.

26   E. If the percentage difference shown by the official tabulation between the leading
27   candidate and the requesting candidate is more than ~~8%~~ 4% and less than or equal to
28   ~~10%~~ 5% of the total votes cast for that office, the deposit is $5,000.

29   F. If the percentage difference shown by the official tabulation between the leading
30   candidate and the requesting candidate is more than ~~10%~~ 5% of the total votes cast for
31   that office, the deposit is $10,000.

32   After completion of the recount, if the recount has not changed the result of the election,
33   the Secretary of State shall calculate the actual cost of the recount, including payroll costs
34   for the state workers necessary to staff the recount, which must be paid by the requesting
35   candidate. If the deposit paid under this subsection is greater than the actual cost of the
36   recount, the Secretary of State shall refund to the requesting candidate the amount of
37   overpayment. If the actual cost of the recount is greater than the deposit, the requesting
38   candidate shall pay the remainder of the cost to the Secretary of State.

39   **Sec. 2. 21-A MRSA §737-A, sub-§1-A,** as amended by PL 2023, c. 304, Pt. A,
40   §23, is further amended to read:

41   **1-A. Deposit for statewide or multicounty office recount.** This subsection applies
42   to a recount for an office not described by subsection 1. A losing candidate who requests

a recount must pay the deposit required by this subsection when the recount is requested. The amount of the deposit is calculated as follows.

A. If the difference shown by the official tabulation between the leading candidate and the requesting candidate is 1% 0.5% or less of the total votes cast for that office or not more than 1,000 500 votes, whichever is less, a deposit is not required. A candidate who is not required to pay a deposit pursuant to this subsection may not be charged for the recount regardless of whether the procedure changes the result of the election.

B. If the difference shown by the official tabulation between the leading candidate and the requesting candidate is more than 1% 0.5% of the total votes cast for that office or more than 1,000 500 votes, whichever is less, the deposit is $5,000 or 10% of the reasonable estimate of the cost to the State of performing the first stage of the recount, whichever is greater. After completion of the recount, if the recount has not changed the result of the election, the Secretary of State shall calculate the actual cost of the procedure, including payroll costs for the state workers necessary to staff the recount, which must be paid by the requesting candidate. If the deposit is greater than the actual cost, the overpayment must be refunded to the candidate. If the actual cost is greater than the deposit, the candidate shall pay the remainder of the actual cost to the State. Once the sworn law enforcement officers or the State Police have taken custody of the ballots and other election materials for the first stage of the recount, the deposit made by the candidate requesting the recount is forfeited to the State even if the candidate withdraws from the recount before the recount begins. If a recount reverses the election, the deposit must be returned to the candidate requesting the recount.

SUMMARY

This bill reduces by half the vote percentage difference or amount of votes in an election used to determine the deposit required for a recount. The bill also includes in the actual cost of the recount that the candidate requesting the recount is required to pay the payroll costs of the state workers necessary to conduct the recount. The bill requires a refund to be provided to the requesting candidate if the deposit paid is more than the actual cost of the recount and requires the requesting candidate to pay the difference if the actual cost of the recount is more than the deposit paid.