

# 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)

---

---

N I N E T Y - F I R S T      L E G I S L A T U R E

---

---

**Legislative Document**

**No. 382**

---

---

H. P. 800

House of Representatives, February 10, 1943.

Referred to Committee on Legal Affairs, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Braley of Augusta.

---

---

**STATE OF MAINE**

---

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-THREE

---

**AN ACT Relating to Inspections and Recounts in Municipal Elections.**

---

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

**Sec. 1. Inspection of ballots.** Upon written application by any candidate for any city office within 3 days after the result of a city election is declared, the clerk of each city shall permit any candidate or his agent to inspect the ballots cast at any municipal election after the same have been returned to him, under such reasonable regulations or restrictions consistent with the right of inspection as will secure every ballot from loss, injury, or change in any respect. Such inspection shall be permitted only after written notice by said clerk to the ward officers who signed the returns of said election and to the other contesting candidate, sufficient to enable them to be present in person or by agent at said inspection. After each inspection the packages shall be again sealed, and the fact and date of inspection noted on the package. No such examination of the ballots shall be made without reasonable notice to all candidates upon the ballot for the offices specified in the application as to which such errors are alleged to have occurred, stating when and where such examination will be made and affording such candidate a reasonable opportunity to be present in person or by counsel at such examination and be heard in relation thereto. Said inspection of ballots shall be held not later than 5 days

after written application for an inspection of said ballots has been received by the said city clerk.

**Sec. 2. Recount proceedings.** Whenever any candidate for any municipal office shall desire a recount of the votes cast for the particular office for which he was a candidate, he shall within 3 days from the date of said inspection file a sworn petition with the city clerk of said municipality setting forth the particular office for which he was a candidate, and state on his own knowledge or on information and belief, that because of the closeness of the vote, or a mistake in counting of the ballots or in the return of the ward offices, or fraud committed before or during said election, or any other cause, he would like a recount of all the ballots cast in said municipality for the office for which he was a candidate.

**Sec. 3. Fixing date of recount.** Upon the filing of said petition said clerk shall fix a date forthwith, not more than 5 days after date of filing, for said recount; and shall call a meeting of the municipal officers to consider said recount, and shall notify the petitioner and all opposing candidates of the date of hearing. At said hearing the said clerk shall sort and count the ballots under the supervision of the municipal officers.

**Sec. 4. Displaying of ballots.** At said hearing the petitioner or his opponents may have all ballots in any way involved in the election displayed for counting or inspection, including absentee and physical incapacity ballots, and all applications, certifications and envelopes, and other papers required by law to be kept in connection with absentee or incapacity ballots. Upon request absentee or incapacity ballots may be segregated from other ballots.

**Sec. 5. Witnesses and evidence.** Witnesses may be called by the parties, and may be sworn by any municipal officer. A record shall be kept if requested by any party in interest. The fees of witnesses shall be paid by the city, if authorized by the municipal officers.

**Sec. 6. Certification of elected candidate.** Within 24 hours after the determination of the results of a contested election, the municipal officers shall certify the results of their count to the respective candidates involved; and shall issue a certificate of election to the candidate whom they find to have been elected; this certificate of election will supersede and nullify any previous certificate that may have been issued in this particular contest. For the purposes of this section, if any candidate or candidates shall concede the election to the remaining candidate, by signed statement or statements addressed to the municipal officers, during the course of the recount,

the municipal officers shall issue a certificate of election to the party whose election is conceded. No certification, unless issued as a result of written consent, shall bar any candidate from further appeal as provided by section 89 of chapter 8 of the revised statutes.

**Sec. 7. Application of act.** This act shall, so far as is applicable, apply to elections conducted pursuant to sections 38 to 52 of chapter 5 of the revised statutes.