

MAINE STATE LEGISLATURE

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New Draft of: H. P. 902, L. D. 1310

ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 1523

H. P. 1058

House of Representatives, April 18, 1963

Reported by Mr. Crockett from Committee on Election Laws. Printed under Joint Rules No. 10.

HARVEY R. PEASE, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

AN ACT Relating to Election Recounts.

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

Sec. 1. R. S., c. 3-A, § 127, amended. The first paragraph and subsections I and II of section 127 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, are repealed and the following enacted in place thereof:

'On the written application of a losing candidate in any election within 10 days after copies of the official tabulation are made available to the candidates, the Secretary of State shall permit him or his counsel to recount the ballots under proper protective regulations, subject to the following provisions:

I. Vote shows proper percentage of difference. The percentage of difference between the combined vote received by the losing candidate and the nearest winning candidate, as shown by the official tabulation must meet the following requirements:

A. If the combined vote is 1,000, or less, the percentage of difference between the vote must be 10%, or less, of the total vote.

B. If the combined vote is 1,001 to 5,000, the percentage of difference between the vote must be 5%, or less, of the total vote.

C. If the combined vote is 5,001 to 50,000, the percentage of difference between the vote must be 3%, or less, of the total vote.

D. If the combined vote is 50,001 to 100,000, the percentage of difference between the vote must be 1%, or less, of the total vote.

E. If the combined vote is 100,001, or over, the percentage of difference between the vote must be $\frac{1}{2}$ of 1%, or less, of the total vote.

II. Recount on deposit. A losing candidate may request a recount upon making a deposit with the Secretary of State in the following amounts:

A. If the combined vote is 1,000, or less, and the percentage of difference between the vote for the 2 candidates is more than 10%, \$50.

B. If the combined vote is 1,001 to 5,000, and the percentage of difference between the vote for the 2 candidates is more than 5%, \$75.

C. If the combined vote is 5,001 to 50,000, and the percentage of difference between the vote for the 2 candidates is more than 3%, \$125.

D. If the combined vote is 50,001 to 100,000, and the percentage of difference between the vote for the 2 candidates is more than 1%, \$250.

E. If the combined vote is 100,001, or over, and the percentage of difference between the vote for the 2 candidates is more than $\frac{1}{2}$ of 1%, \$500.

The deposit made by the candidate requesting the recount shall be forfeited to the State in the event that the recount fails to change the result of the election. If the recount reverses the election, the deposit shall be returned to the candidate requesting the recount.

II-A. Ballots and check lists recalled. On receipt of the application, the Secretary of State shall recall all the ballots and check lists 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.

II-B. Notice of recount. The Secretary of State shall send written notice of the recount to the candidates for the office in question, stating the time and place of the recount.'

Sec. 2. R. S., c. 3-A, § 127, sub-§§ VIII & IX, additional. Section 127 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended by adding 2 new sections, to be numbered VIII and IX, to read as follows:

'VIII. Withdrawal from recount. A losing candidate who requests and receives a recount may withdraw from the recount at any time while the recount shows him to be the loser. If during the recount, the losing candidate shall overtake and pass the winning candidate, the losing candidate shall not be permitted to withdraw and the recount shall be completed.

IX. Winning candidate not to request recount. A candidate who is the apparent winner in an election may not request a recount.'