

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
107TH LEGISLATURE  
FIRST SPECIAL SESSION

(Filing No. H-1183)

HOUSE AMENDMENT "C" to H.P. 1997, L.D. 2197, Bill, "AN  
ACT Redistributing the Powers of the Executive Council."

Amend said Bill by striking out in section 192-B  
everything after the amending clause and inserting in place  
thereof the following:

'If the challenged ballot affects the result of an election,  
its validity must be determined by the Governor ~~and Council~~  
subject to the right of appeal provided in section 1212, except  
where final determination of the election of a candidate is  
governed by the State or Federal Constitution or under Title 1,  
chapter 25 36.'

Further amend said Bill in section 197 by striking out  
everything after the amending clause and inserting in place  
thereof the following:

'Within 20 days after an election, the Secretary of State  
shall tabulate the election returns and submit the tabulation  
to the Governor ~~and Council~~.'

Further amend said Bill in section 198 by striking out  
everything after the amending clause and inserting in place  
thereof the following:

'Within a reasonable time after an election, the Governor shall issue an election certificate in accordance with Title 5, section 84 or a notice of apparent election to each person elected to office according to the tabulation required by section 1092, or on appeal according to the determination of the Governor ~~and Council~~ or on the determination of the Commission on Governmental Ethics and Election Practices, as provided under chapter 36.'

Further amend said Bill in section 199 by striking out everything after the amending clause and inserting in place thereof the following:

'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~~, the Secretary of State shall permit him or his counsel to recount the ballots under proper protective regulations, subject to the following provisions.'

Further amend said Bill in section 200 by striking out everything after the amending clause and inserting in place thereof the following:

'7. Mistake in ballot count. If it is found that there was a mistake made in counting the ballots on election day, the Secretary of State shall submit a corrected tabulation to the Governor ~~and Council~~.'

Further amend said Bill in section 204 by striking out everything after the amending clause and inserting in place thereof the following:

'On request, the clerk of any municipality and the Secretary of State shall produce any ballots or checklists in his custody before the Governor ~~and Council~~, the Commission on Governmental Ethics and Election Practices, either branch of the Legislature, any legislative committee or any court of competent jurisdiction.'

Statement of Fact

The purpose of the amendment is to correct the redistribution of certain powers to the Commission on Governmental Ethics and Election Practices which are not in accordance with the powers and procedures of the commission as provided in Title 21, chapter 36. The powers that this amendment would leave with the Governor are either formalities or are subject to appeal to the courts, to the Legislature or to Congress, depending upon which is the final judge of elections to the appropriate officers.

Filed by Mrs. Boudreau of Portland.

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of the House.  
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