

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1186

H. P. 980

House of Representatives, March 23, 1977

On motion of Mrs. Boudreau of Portland, referred to Committee on Election Laws. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Carrier of Westbrook.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Concerning the Fee for Recounts in Election Contests.

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

Sec. 1. 21 MRSA § 1152, sub-§ 1 is repealed.

Sec. 2. 21 MRSA § 1152, sub-§ 2, as amended by PL 1969, c. 204, § 2, is repealed and the following enacted in its place:

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

A. Combined vote 1,000 or less.

(1) If the combined vote received by the losing candidate and the nearest winning candidate is 1,000 or less and the percentage of difference between the vote for the 2 candidates is 10% or less, \$75.

(2) If the combined vote received by the losing candidate and the nearest winning candidate is 1,000 or less and the percentage of difference between the vote of the 2 candidates is more than 10%, \$100.

B. Combined vote 1,001 to 5,000.

(1) If the combined vote received by the losing candidate and the nearest winning candidate is 1,001 to 5,000, and the percentage of difference between the vote for the 2 candidates is 5% or less, \$75.

(2) If the combined vote received by the losing candidate and the nearest winning candidate is 1,001 to 5,000, and the percentage of difference between the vote for the 2 candidates is more than 5%, \$150.

C. Combined vote 5,001 to 10,000.

(1) If the combined vote received by the losing candidate and the nearest winning candidate is 5,001 to 10,000 and the percentage of difference between the vote for the 2 candidates is 4% or less, \$75.

(2) If the combined vote received by the losing candidate and the nearest winning candidate is 5,001 to 10,000 and the percentage of difference between the vote for the 2 candidates is more than 4%, \$200.

D. Combined vote 10,001 to 50,000.

(1) If the combined vote received by the losing candidate and the nearest winning candidate is 10,001 to 50,000 and the percentage of difference between the vote for the 2 candidates is 3% or less, \$75.

(2) If the combined vote received by the losing candidate and the nearest winning candidate is 10,001 to 50,000 and the percentage of difference between the vote for the 2 candidates is more than 3%, \$250.

E. Combined vote 50,001 to 100,000.

(1) If the combined vote received by the losing candidate and the nearest winning candidate is 50,001 to 100,000 and the percentage of difference between the vote for the 2 candidates is 1% or less, \$75.

(2) If the combined vote received by the losing candidate and the nearest winning candidate is 50,001 to 100,000 and the percentage of difference between the vote for the 2 candidates is more than 1%, \$500.

F. Combined vote 100,001 or over.

(1) If the combined vote received by the losing candidate and the nearest winning candidate is 100,001 or over and the percentage of difference between the vote for the 2 candidates is $\frac{1}{2}$ of 1% or less, \$75.

(2) If the combined vote received by the losing candidate and the nearest winning candidate 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%, \$1,000.

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.

STATEMENT OF FACT

This bill would require a deposit by all candidates requesting recounts. The deposit would be forfeited if the recount fails to reverse the results of the election.

Presently many recounts are requested merely because there is no cost to the losing candidate. This bill would assist in discouraging frivolous requests for recounts.