

MAINE STATE LEGISLATURE

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(New Title)
New Draft of H. P. 980, L. D. 1186

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1871

H. P. 1691

House of Representatives, June 9, 1977

Reported by Mr. Boudreau from Committee on Election Laws and printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

**AN ACT Concerning the Certificate of Apparent Election and the Fee for
Recounts in Election Contests.**

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

Sec. 1. 21 MRSA § 1095, 1st ¶, as last amended by PL 1975, c. 771, § 198, is further amended to read:

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 or on the determination of the Commission on Governmental Ethics and Election Practices, as provided under chapter 36.~~ For cases involving elections finally determined by the Governor, issuance of a certificate shall be made in accordance with section 1423, subsection 3, paragraphs B and C. For cases involving elections not finally determined by the Governor, the Governor shall withhold issuance of a certificate while such election is contested before the Commission on Governmental Ethics and Election Practices as provided under chapter 36. If, before the convening of the finally determinative body in an election not determined by the Governor, the commission finds that a candidate has been apparently elected, the commission shall notify the Governor forthwith of such apparent election. The Governor shall issue a notice of apparent election to the person apparently elected according to the findings of the commission.

Sec. 2. 21 MRSA § 1152, sub-§ 2, ¶¶ A - D, as amended by PL 1969, c. 204, § 2, are further amended to read:

- 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%, ~~\$100~~ \$150;
- 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%, ~~\$150~~ \$200;
- C.** If the combined vote is 5,001 to 10,000, and the percentage of difference between the vote for the 2 candidates is more than 4%, ~~\$200~~ \$250;
- D.** If the combined vote is 10,001 to 50,000, and the percentage of difference between the vote for the 2 candidates is more than 3%, ~~\$250~~ \$300;

STATEMENT OF FACT

The purpose of this new draft is to require the Governor to withhold the issuance of the certificate of apparent election if an election is contested and subsequently to require the Governor to issue the certificate of apparent election to the person apparently elected according to the findings of the Commission on Governmental Ethics and Election Practices. The new draft also increases the recount deposit made by certain losing candidates so as to discourage frivolous recounts.