

MAINE STATE LEGISLATURE

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L.D. 1064
(Filing No. H- 147)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
113TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 792, L.D. 1064, Bill, "AN ACT to Require Candidates Requesting Ballot Inspection to Pay for this Service."

Amend the bill by inserting after the enacting clause the following:

'Sec. 1. 21-A MRSA §736, first ¶, as enacted by PL 1985, c. 161, §6, is amended to read:

If a candidate in any election applies in writing within 7 days after election day, the clerk shall permit him or his counsel, after payment of any deposit required under subsections 1-A and 1-B, to inspect the ballots and incoming voting lists, under proper protective regulations. The purpose of this inspection must be to provide factual basis for a request for recount. The inspection must be of reasonable duration and may not be used for harassment, assessment of ballot splitting or any other purpose not related to determining whether ballots were counted in a proper and lawful manner.

Sec. 2. 21-A MRSA §736, sub-§§1-A and 1-B are enacted to read:

1-A. Percentage difference. For purposes of this section, "percentage difference" means the percentage of the total vote for an office represented by the difference between the votes received by the candidate requesting a ballot inspection and the votes received by the nearest winning candidate.

1-B. When deposit is required. A deposit is not required if the percentage difference shown by the official tabulation is:

COMMITTEE AMENDMENT "H" to H.P. 792, L.D. 1064

1 A. Ten percent or less if the combined vote for
2 the 2 candidates is 1,000 or less, otherwise a
3 deposit of \$150 is required;

4 B. Five percent or less if the combined vote for
5 the 2 candidates is 1,001 to 5,000, otherwise a
6 deposit of \$200 is required;

7 C. Four percent or less if the combined vote for
8 the 2 candidates is 5,001 to 10,000, otherwise a
9 deposit of \$250 is required;

10 D. Three percent or less if the combined vote
11 for the 2 candidates is 10,001 to 50,000, other-
12 wise a deposit of \$300 is required;

13 E. One percent or less if the combined vote re-
14 ceived by the 2 candidates is 50,001 to 100,000,
15 otherwise a deposit of \$500 is required; or

16 F. Half of one percent or less if the combined
17 vote received by the 2 candidates is 100,001 or
18 over, otherwise a deposit of \$1,000 is required.

19 All deposits required by this section must be made
20 with the Secretary of State when the ballot inspec-
21 tion is requested. This deposit, made by the candi-
22 date requesting the ballot inspection, is forfeited
23 to the State if the ballot inspection has begun and
24 it fails to change the result of the election. If
25 the ballot inspection reverses the election, the de-
26 posit shall be returned to the candidate requesting
27 the ballot inspection.'

28 Further amend the bill in section 2, in subsec-
29 tion 5, in the last paragraph, in the 2nd line (page
30 2, line 29 in L.D.) by striking out the underlined
31 words "Secretary of State" and inserting in their
32 place the underlined words 'municipal clerk' and in
33 the 5th line (page 2, line 32 in L.D) by striking out
34 the underlined word "State" and inserting in its
35 place the underlined word 'municipality'

COMMITTEE AMENDMENT "A" to H.P. 792, L.D. 1064

1 Further amend the bill by renumbering the sec-
2 tions to read consecutively.

3 STATEMENT OF FACT

4 This amendment extends the requirement that can-
5 didates pay for ballot inspection to all state and
6 county candidates as well as the municipal candidates
7 already covered in the bill.

8 This amendment also corrects to whom the deposit
9 must be paid in municipal elections from the Secre-
10 tary of State to the municipal clerk.

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Reported by the Committee on Legal Affairs
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