

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

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Legislative Document

No. 640

H.P. 450

House of Representatives, February 14, 1991

Reference to the Committee on Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative GOULD of Greenville.

Cosponsored by Senator KANY of Kennebec and Representative JACQUES of Waterville.

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STATE OF MAINE

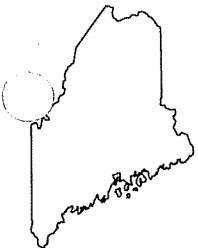
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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An Act to Amend the Election Laws Relating to Ballot Counting.

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

2           **Sec. 1. 1 MRSA §1008, sub-§2**, as amended by PL 1989, c. 561,  
4           §2, is further amended to read:

6           **2. Election practices.** To administer and investigate any  
8           violations of the requirements for campaign reports and campaign  
10          financing and to investigate and make findings of fact and  
12          opinion on the final determination of the results, within the  
            limits of the Constitution of Maine and the Constitution of the  
            United States, of any contested count, state or federal election  
            within this State; and

14          **Sec. 2. 1 MRSA §1008, sub-§3**, as enacted by PL 1989, c. 561,  
16          §3, is amended to read:

18          **3. Ethics seminar.** To conduct, in conjunction with the  
20          Attorney General and the Chair of the Legislative Council or  
22          their designees, an ethics seminar for Legislators after the  
24          general election and before the convening of the Legislature, in  
            every even-numbered year. The Attorney General shall provide  
            each Legislator with a bound compilation of the laws of this  
            State pertaining to legislative ethics and conduct; and

26          **Sec. 3. 1 MRSA §1008, sub-§4** is enacted to read:

28          **4. Violations of election laws.** To investigate certain  
            violations of the election laws, as provided by law.

30          **Sec. 4. 21-A MRSA §695, sub-§6** is enacted to read:

32          **6. Ineligible election officials.** A person who is serving  
34          as an election official in violation of section 504 and who  
36          participates in the counting of ballots is guilty of a Class E  
38          crime. Any person who believes an election official has violated  
40          this subsection may report the alleged violation to the  
42          Commission on Governmental Ethics and Election Practices,  
44          established in Title 1, section 1002. The commission shall  
46          investigate the alleged violation and refer any apparent  
48          violation of this subsection to the Attorney General for  
50          prosecution.

#### STATEMENT OF FACT

52          This bill provides that the Commission on Governmental  
54          Ethics and Election Practices shall investigate charges that a  
56          person ineligible to serve as an election official took part in  
58          the counting of election ballots. Relatives of political  
60          candidates and employees of political parties are among those

ineligible to serve as election officials. If the commission  
2 believes, after investigation, that an ineligible person has  
counted election ballots, the commission must refer the  
4 allegation to the Attorney General for prosecution.