

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 730

S.P. 271

Received by the Secretary, February 20, 1991

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

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator McCORMICK of Kennebec

STATE OF MAINE

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

**An Act Concerning the Retention of Power Packs Used in Ballot
Counting Machines.**



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

Sec. 1. 21-A MRSA §23, sub-§7, as amended by PL 1985, c. 383, §1, is further amended to read:

7. **Ballots and other election materials.** The clerk shall keep the ballots and other election materials listed in section 698 in his the clerk's office for 22 months and incoming voting lists for 2 years, unless sooner released to the Secretary of State or required by the Secretary of State to be kept longer. Once released to the Secretary of State, they shall must be kept by him the Secretary of State until any appeal period bearing on the validity of the election has expired. Notwithstanding this subsection, ballots used for municipal elections conducted under this Title, referenda elections or special legislative elections shall must be kept for 2 months and the equipment containing the computer program to count ballots in a voting machine may be reused in any election occurring within the 22-month period if the clerk retains in its place a written copy of the program used in the equipment.

Sec. 2. 21-A MRSA §23, sub-§13, as enacted by PL 1985, c. 161, §6, is amended to read:

13. **Miscellaneous.** The official charged with the custody of any record not specifically provided for in this section shall keep it in his that official's office for 2 years. The equipment containing the computer program to count ballots in a voting machine may be reused in any election occurring in that 2-year period if the official retains in its place a written copy of the program used in that equipment.

STATEMENT OF FACT

This bill permits the earlier reuse of a "memory pack" or "power pack," which is the part of a voting machine containing the computer program that counts ballots. Current law requires election materials to be retained for 22 months to serve as evidence in any fraud investigation. This bill provides that the power packs may be reused in an election that occurs within the 22-month retention period as long as the municipality has a written copy of the computer program.