

MAINE STATE LEGISLATURE

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R. of S.

L.D. 1477

(Filing No. S-296)

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STATE OF MAINE
SENATE
116TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "C" to COMMITTEE AMENDMENT "A" to S.P. 478, L.D. 1477, Bill, "An Act to Implement the Recommendations of the Special Commission on Electoral Practices"

Amend the amendment by striking out all of section 41.

Further amend the amendment in section 43 in that part designated "§737-A." in the 2nd paragraph by inserting at the end after the following: "possible" the following: 'after any pending-ballot inspection has been made'

Further amend the amendment in section 43 in that part designated "§737-A." in subsection 1 by adding at the end the following:

'Deposits required under this subsection are in addition to any deposit required for a ballot inspection.'

Further amend the amendment in section 43 in that part designated "§737-A." by inserting at the end the following:

'12. Evidence of tampering or irregularity. If a recount is requested in an election in which the margin of victory is more than 75 votes in an election for the House of Representatives or a municipal election or 300 votes in an election to the Senate or a county or statewide election, the recount may be permitted only if the candidate requesting the recount submits to the Secretary of State evidence of tampering or other irregularity in the election or the original count of votes.'

SENATE AMENDMENT

H. of S.

SENATE AMENDMENT "C" to COMMITTEE AMENDMENT "A" to S.P. 478,
L.D. 1477

2 Further amend the amendment by striking out all of the
fiscal note and inserting in its place the following:

4
6 FISCAL NOTE 1993-94 1994-95

8 APPROPRIATIONS/ALLOCATIONS

10 General Fund \$63,000

12
14 The Department of the Secretary of State will require an
16 additional General Fund appropriation of \$63,000 in fiscal year
18 1993-94 for providing municipalities with sufficient metal boxes
to place the used ballots in. This appropriation is based on the
purchase and distribution of approximately 3,000 boxes to 676
municipalities at a cost of \$21 a piece.

20 This bill increases the class of crime for several offenses
22 resulting in additional costs to state and county correctional
facilities.

24 Sentences of more than 9 months for Class B crimes must be
26 served in a state correctional institution. The cost to the
State per sentence is \$84,563 based upon an average length of
28 stay of 3 years and 6 months. The State also must reimburse
counties for sentences served in county jails of 9 months or less
for this new crime pursuant to the Communities Corrections Act.

30 Sentences of more than 9 months for Class C crimes must be
32 served in a state correctional institution. The cost to the
State per sentence is \$42,050 based upon an average length of
34 stay of 1 year and 9 months. The State also must reimburse
36 counties for sentences served in county jails of 9 months or less
for this new crime pursuant to the Communities Corrections Act.

38 Sentences imposed for Class D offenses must be served in a
40 county jail. The average cost per sentence for a Class D crime
is \$7,439 based upon an average length of stay of 119 days. The
42 additional costs to the counties for the housing of each offender
sentenced under this new crime will not require reimbursement by
the State.

44
46 The Judicial Department may require additional General Fund
48 appropriations to cover increased indigent defense costs. The
collection of additional fines may increase General Fund revenues
by minor amounts.

2 The additional costs to investigate and prosecute alleged
violations of the election laws can be absorbed by the Department
of the Attorney General utilizing existing budgeted resources.

4
6 The Commission on Governmental Ethics and Election Practices
will realize some minor savings from shifting the appeal process
8 for disputed ballots to the courts. The Judicial Department will
be able to absorb the additional workload and administrative
10 costs associated with this shift within its existing budgeted
resources.

12 The State Police can absorb within existing budgeted
resources the costs associated with storing and securing ballots
14 for recounts.

16 This bill may reduce the number of recounts and result in
some minor future General Fund savings to the Department of the
18 Secretary of the State.

20
22 **STATEMENT OF FACT**

24 This amendment requires a candidate to submit evidence of
tampering or irregularity to obtain a recount in an election in
26 which the margin of victory is more than 75 votes in an election
for the House of Representatives or a municipal election or 300
votes in an election to the Senate or a county or statewide
28 election.

30 The amendment also changes the committee amendment to
reinststate to the law provisions authorizing inspection of ballots
32 and voting lists.

34 This amendment also replaces the fiscal note on the
committee amendment.

40 (Senator CARPENTER)

42 SPONSORED BY: *David Carpenter*

44 COUNTY: York

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