



## 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

Legislative Document

No. 1523

H.P. 1124

House of Representatives, May 18, 1993

Resolve, Regarding the Release of Certain Ballots to the Municipal Officers of the City of Rockland.

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27. Reference to the Committee on Legal Affairs suggested and ordered printed.

JOSEPH W. MAYO, Clerk

Presented by Representative MELENDY of Rockland.

Printed on recycled paper

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation must be enacted as an emergency measure to ensure that there can be a resolution to the question of whether the ballots in Rockland were counted properly; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of 10 Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and 12 safety; now, therefore, be it

**Release of ballots** authorized. **Resolved:** 1. Sec. That notwithstanding any laws to the contrary, the Secretary of State 16 on the day scheduled for inspection shall release to the municipal officers of the City of Rockland the ballots used and 18 unused at the general election held on November 3, 1992, for the 20 purpose of determining the source of a discrepancy in the number of votes counted and the number of voters who cast ballots; and be it further 22

2. Supervision; testing. **Resolved:** Sec. 24 That under the of Rockland, supervision of the clerk for the City а 26 representative of the company that programmed the optical scan reader that was used at the election and a representative from the office of the Secretary of State may, in the City of 28 Rockland, perform tests on the optical scan reader using the 30 released ballots, to determine whether the discrepancy was caused by a programming error; and be it further

Sec. 3. Ballots returned. Resolved: That immediately following the inspection provided for by this resolve, the municipal 34 officers to whom the ballots are released shall turn over the 36 ballots to the city clerk who shall keep the ballots and other materials listed in the Maine Revised Statutes, Title 21-A, section 23, subsection 7, and dispose of them as provided by 38 state law.

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

## STATEMENT OF FACT

This resolve authorizes the Secretary of State to release certain used and unused ballots to the municipal officers of the 48 City of Rockland. The ballots will be used to perform tests on the optical scan reader used to count ballots at the November 50 1992 election.

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