

# MAINE STATE LEGISLATURE

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PL 93

L.D. 1932

DATE: 3/22/94

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MAJORITY  
LEGAL AFFAIRS

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
116TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1418, L.D. 1932, Bill, "An Act to Reestablish a Mechanism for Review of Disputed Elections"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 21-A MRSA §737-A, sub-§10, as enacted by PL 1993, c. 473, §31 and affected by §46, is amended to read:

10. Appeals. For all elections, ~~except for the Senate and the House of Representatives,~~ if there are enough challenged or disputed ballots to affect the result of an election, the Secretary of State shall forward the ballots and related records for that election to the clerk of the Supreme Judicial Court. The Supreme Judicial Court shall determine the result of the election pursuant to procedures adopted by court rule. The decision of the Supreme Judicial Court is final, except for elections to the Senate and the House of Representatives, and must be certified to the Governor by the Chief Justice.

~~For all elections to the Senate and the House of Representatives, each House shall establish procedures for recount appeals.'~~

Further amend the bill by inserting at the end before the statement of fact the following:

FISCAL NOTE

This bill adds to the responsibilities of the Supreme Judicial Court. The costs associated with these additional responsibilities can be absorbed by the Judicial Department utilizing existing budgeted resources.'

COMMITTEE AMENDMENT

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**STATEMENT OF FACT**

The amendment replaces the original bill.

The amendment provides that for all elections, including Senate and House of Representatives elections, if there are enough challenged or disputed ballots to affect an election result, the Supreme Judicial Court shall determine the results for that election. This proposed change is similar to past law that allowed the Commission on Governmental Ethics and Election Practices to determine election results for any disputed election under the Maine Revised Statutes, Title 21-A, former section 737, subsection 8.

Pursuant to the Constitution of Maine, the determination of the Supreme Judicial Court is not final in cases of election appeals for the Senate and the House of Representatives. The Senate and the House of Representatives still have the final authority to determine who will be seated in their respective bodies.