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## 116th MAINE LEGISLATURE

**SECOND REGULAR SESSION-1994** 

Legislative Document

No. 1932

H.P. 1418

House of Representatives, February 24, 1994

An Act to Reestablish a Mechanism for Review of Disputed Elections.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26. Reference to the Committee on Legal Affairs suggested and ordered printed.

JOSEPH W. MAYO, Clerk

Presented by Representative WHITCOMB of Waldo. Cosponsored by Representatives: BENNETT of Norway, ROBICHAUD of Caribou, STEVENS of Sabattus, TRUE of Fryeburg, Senator: HALL of Piscataquis.

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

Sec. 1. 21-A MRSA §737-A, sub-§§5 and 10, as enacted by PL 1993, c. 473, §31 and affected by §46, are amended to read:

5. Persons prohibited from working  $\mathbf{at}$ recount. б state employees, employees of the Legislature, Confidential candidates other than the candidates for the election in question 8 and elected state officials may not participate in ballot 10 recounts in any capacity. This subsection does not prohibit employees within the Department of the Secretary of State, election officials and staff of the Department of the Attorney 12 General and the Judicial Department from performing their duties with respect to a recount. 14

16 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 18 Secretary of State shall forward the ballots and related records 20 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. 22 The decision of the Supreme Judicial Court is final, except for 24 elections for the State Senate or the House of Representatives, and must be certified to the Governor by the Chief Justice.

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

## STATEMENT OF FACT

This bill amends the section of law concerning recounts of elections that was enacted by Public Law 1993, chapter 473, section 31.

The Maine Revised Statutes, Title 21-A, section 737-A, 38 subsection 5 is amended in this bill to be consistent with the 4th paragraph of that section to clarify that candidates other 40 than the candidates for the election in question are prohibited from working at a recount.

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The bill also amends the provision concerning procedures used when there are enough challenged or disputed ballots to affect an election result by having the Supreme Judicial Court determine the results for any such election as, similarly, the Commission on Governmental Ethics and Election Practices

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determined elections for any disputed election under former Title 21-A, section 737, subsection 8.

4 6 8 This document has not yet been reviewed to determine the

This document has not yet been reviewed to determine the need for cross-reference, stylistic and other technical amendments to conform existing law to current drafting standards.

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