

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 41

S.P. 27

In Senate, January 16, 2003

An Act to Specify the Public Status of Disputed Ballots

(EMERGENCY)

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator WOODCOCK of Franklin.
Cosponsored by Representatives: MILLS of Cornville, RECTOR of Thomaston and
Senators: BLAIS of Kennebec, DAVIS of Piscataquis.

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

4 Whereas, current law does not establish a clear set of
6 criteria for determining whether a ballot cast in an election is
properly disputable; and

8 Whereas, the law is unclear as to the public status of
10 ballots cast at an election; and

12 Whereas, this ambiguity deprives the public of the ability
to inspect ballots that are disputed; and

14 Whereas, establishing the public status of disputed ballots
16 would compel accountability during the recount process, since the
reason for the dispute could be seen by members of the public; and

18 Whereas, making the election process more accountable is an
20 imperative requirement; and

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

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

30 **Sec. 1. 21-A MRSA §739**, as amended by PL 1993, c. 473, §33
and affected by §46, is further amended to read:

32 **§739. Ballots and incoming voting lists available for inspection**

34 On request, a municipal clerk or the Secretary of State, or
36 both, shall produce any ballots or incoming voting lists in their
custody before the Governor, either branch of the Legislature,
38 any legislative committee or a court of competent jurisdiction.
40 If there are disputed ballots arising from a recount conducted
pursuant to section 737-A, the Secretary of State shall make
those ballots available for inspection by the public after
42 ensuring that the ballots can not be tampered with.

44 After the time for completion of recounts following any
election has elapsed, and on request of any person, the clerk of
46 any municipality or the Secretary of State, or both, shall
produce any incoming voting lists in ~~his~~ the clerk's or Secretary
48 of State's custody.

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

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SUMMARY

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8 This bill requires the Secretary of State to make available
for public inspection disputed ballots arising from an election
recount.