

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 802

S.P. 281

In Senate, February 20, 2003

### An Act To Clarify Maine Election Laws

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

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator HALL of Lincoln.

Cosponsored by Senator: GAGNON of Kennebec, Representatives: BERRY of Belmont,  
McGOWAN of Pittsfield.

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

4 Sec. 1. 21-A MRSA §737-B is enacted to read:

6 §737-B. Disputing ballots

8 1. Permitted disputes. A candidate whose race is subject  
10 to a recount in accordance with this section may dispute a ballot  
12 only if:

14 A. The disputed marking on the ballot relates to the race  
16 being recounted; or

18 B. The validity of the entire ballot is being questioned.

20 2. Dispute prohibited. If there is a clear marking on the  
22 ballot relating to the race being recounted, a disputed marking  
24 relating to other races on the same ballot may not be disputed.

26 3. Validity of dispute. The Attorney General or the  
28 Attorney General's designee shall determine whether a dispute of  
30 a ballot is valid as provided in subsections 1 and 2. If the  
32 Attorney General or the Attorney General's designee determines  
34 that a dispute is not valid, then the ballot must be counted.

36 Sec. 2. 21-A MRSA §§740 and 740-A are enacted to read:

38 §740. Disputed ballots to be public

40 1. Secretary of State to release disputed ballots. The  
42 Secretary of State shall release notarized copies of disputed  
44 ballots to the public if:

46 A. Both candidates in the race being recounted agree to  
48 release them to the public;

50 B. For an election to the Senate or the House of  
Representatives, the Senate or House committee charged with  
examining the disputed ballots requests their release; or

C. A candidate in the race being recounted disagrees with a  
ruling made by the Attorney General on the validity of a  
ballot as provided by section 737-B, subsection 3.

2. Voter identity protected. Upon releasing a disputed  
ballot to the public, the Secretary of State may not identify the  
voter who cast the ballot.

§740-A. Abuse of recount process; penalty

If the Secretary of State and the Attorney General jointly agree that a candidate involved in the recount process is delaying the process by refusing to continue with a recount once it has begun or is refusing to set a reasonable time for beginning or resuming a recount, then the Secretary of State shall notify the Commission on Governmental Ethics and Election Practices. The commission may, after hearing, assess penalties of up to \$5,000 for abuse of the recount process.

## SUMMARY

This bill amends the law regarding the recount process by stating under what circumstances a ballot in a recount may be disputed. It also provides criteria by which the Secretary of State shall make disputed ballots public and requires that the identity of the voter who cast the disputed ballot is protected. It also provides for a penalty for delaying the recount process.