

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 1548

H.P. 1134

House of Representatives, April 10, 2003

### An Act To Amend the Election Laws

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Submitted by the Secretary of State pursuant to Joint Rule 204.

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative CLARK of Millinocket.

Cosponsored by Senator GAGNON of Kennebec and

Representatives: MOORE of Standish, PATRICK of Rumford, Senator: MAYO of Sagadahoc.

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

4 **Sec. 1. 21-A MRSA §1, sub-§1-A** is enacted to read:

6 1-A. Affidavit. "Affidavit" with respect to an absentee  
ballot envelope means the portion of the envelope that includes  
the voter's signature, the aide certificate and the witness  
8 certificate.

10 **Sec. 2. 21-A MRSA §1, sub-§7,** as enacted by PL 1985, c. 161,  
§6, is amended to read:

12 **7. Challenged ballot.** "Challenged ballot" means a ballot  
14 cast by one whose eligibility to vote has been questioned during  
election day.

16 **Sec. 3. 21-A MRSA §1, sub-§48-A** is enacted to read:

18 48-A. Voting indicator. "Voting indicator" means the space  
20 provided for marking a vote in accordance with a particular type  
of ballot.

22 **Sec. 4. 21-A MRSA §23, sub-§14,** as amended by PL 1997, c. 436,  
24 §11, is further amended to read:

26 **14. Destruction of records.** After the records and other  
materials have been kept for the required period, they may be  
28 destroyed. Posted notices, sample ballots and instruction  
posters may be destroyed as soon as the election to which they  
30 pertain is past. Ballots must be destroyed using a method that  
makes the contents unreadable.

32 **Sec. 5. 21-A MRSA §115, sub-§2,** as amended by PL 1995, c. 459,  
34 §13, is further amended to read:

36 **2. Voting restricted to district.** In a municipality that  
has voting districts, a voter may, ~~except as provided in section~~  
38 ~~630,~~ vote using only the ballot or ballots for the district in  
which the voter resides on election day.

40 **Sec. 6. 21-A MRSA §122, sub-§7, ¶A,** as enacted by PL 1985, c.  
42 307, §1, is amended to read:

44 A. The registrar shall, after finding an applicant  
qualified, issue a certificate entitling requiring the voter  
46 voter's name to be placed written on the original or any  
supplemental voting list at the voting place on election  
48 day. The certificate must be attached to, or included with,  
the voting list and sealed as provided in section 698. Only

2 one certificate may be ~~issued to any person~~ recorded for any  
voter at an election; or

4 **Sec. 7. 21-A MRSA §122, sub-§7, ¶B**, as amended by PL 1997, c.  
436, §23, is further amended to read:

6  
8 B. The registrar shall, after finding the applicant  
qualified, ~~place the names of those voters on~~ add the  
voter's name to the voting list or on a supplemental voting  
10 list. Before the polls are opened, the registrar shall  
12 deliver the voting list and the supplemental list or lists  
to the clerk. The inclusion of a person's name on these  
14 lists will entitle the applicant to vote on election day.  
All references in this Title to the use of the voting list  
before, during and after election day are considered to  
16 include the supplemental voting list or lists as provided in  
this paragraph.

18 **Sec. 8. 21-A MRSA §307, sub-§3**, as amended by PL 1999, c. 450,  
20 §11, is further amended to read:

22 3. **Use established party's designation.** Incorporate the  
designation or an abbreviation of the designation of a party that  
24 is qualified to participate in a primary or general election  
under section 301; and

26 **Sec. 9. 21-A MRSA §307, sub-§4**, as enacted by PL 1999, c. 450,  
28 §12, is amended to read:

30 4. **Use independent designation.** Consist of the word  
"independent" without another descriptive word or words. The  
32 designation "independent," without another descriptive word or  
words, is reserved for use by candidates that are not enrolled in  
34 any qualified or proposed party; and

36 **Sec. 10. 21-A MRSA §307, sub-§5** is enacted to read:

38 5. Use obscene designation. Consist of or comprise  
40 language that is obscene or violates any other provision of the  
laws of this State with respect to names.

42 **Sec. 11. 21-A MRSA §337, sub-§2, ¶D**, as enacted by PL 1985, c.  
161, §6, is amended to read:

44  
46 D. A challenger or a candidate may appeal the decision of  
the Secretary of State by commencing an action in the  
Superior Court. This action shall must be conducted in  
48 accordance with the Maine Rules of Civil Procedure, Rule ~~80B~~  
80C, except as modified by this section. This action must  
50 be commenced within 5 days of the date of the decision of

2 the Secretary of State and shall must be tried, without a  
4 jury, within 10 days of the date of that decision. Upon  
6 timely application, anyone may intervene in this action when  
8 the applicant claims an interest relating to the subject  
10 matter of the petitions, unless the applicant's interest is  
adequately represented by existing parties. The court shall  
issue a written decision containing its findings of fact and  
conclusions of law and setting forth the reasons for its  
decision within 20 days of the date of the decision of the  
Secretary of State.

12 **Sec. 12. 21-A MRSA §354, sub-§1**, as amended by PL 1997, c.  
14 436, §50, is further amended to read:

16 **1. Content.** A nomination petition must contain the name of  
18 only one candidate, the candidate's place of residence, the  
20 office sought and electoral division. A nomination petition may  
22 contain as many separate papers as necessary and may contain the  
24 candidate's consent required by section 355. It may also contain  
26 the candidate's political designation, ~~which~~ . This designation  
28 may not exceed 3 words in length, ~~and~~ may not incorporate the  
candidate's name, or the designation or an abbreviation of the  
designation of a party that is qualified to nominate candidates  
by primary election and may not consist of or comprise language  
that is obscene or violates any other provision of the laws of  
this State with respect to names. A candidate who intends to  
form a new party about that person's candidacy must use the  
proposed party's designation.

30 A. When 2 United States Senators or 2 county commissioners  
32 are to be nominated, the nomination petition must contain  
the term of office sought by the candidate.

34 B. The names of presidential electors must be placed on the  
36 petition as a slate. The names of the candidates for  
President and Vice President must be placed on a petition  
for the nomination of presidential electors.

38 **Sec. 13. 21-A MRSA §673, sub-§1, ¶A**, as amended by PL 1997, c.  
40 436, §96, is further amended to read:

42 A. Only the following reasons for challenges may be  
44 accepted by the warden. The challenged person:

- 46 (1) Is not a registered voter;
- 48 (2) Is not enrolled in the proper party, if voting in  
a primary election;

- 2 (3) Is not qualified to be a registered voter because  
the challenged person is not:
- 4 (a) At least 18 years of age;
- 6 (b) A citizen of the United States; or
- 8 (c) A resident of the municipality or appropriate  
electoral district within the municipality;
- 10 (3-A) Registered to vote during the closed period or  
12 on election day and did not provide satisfactory proof  
14 of identity and residency to the registrar pursuant to  
section 121, subsection 1-A;
- 16 (4) Did not properly apply for an absentee ballot;
- 18 (6) Did not properly complete the affidavit on the  
absentee return envelope;
- 20 (7) Did not cast the ballot or complete the affidavit  
22 before the appropriate witness;
- 24 (8) Communicated with someone as prohibited by section  
754-A, subsection 1, paragraph B or subsection 3,  
26 paragraph B or D;
- 28 (9) Did not have the ballot returned to the clerk by  
the time prescribed;
- 30 (10) Voted using the name of another;
- 32 (11) Committed any other specified violation of this  
34 Title; or
- 36 (12) Voted using the wrong ballot for the appropriate  
38 electoral district or political party, if applicable.

40 **Sec. 14. 21-A MRSA §674, sub-§2, ¶A**, as repealed and replaced  
by PL 1993, c. 473, §18 and affected by §46, is amended to read:

42 A. Assists another person in voting, knowing that the other  
44 person is not eligible to vote~~+-er.~~

46 **Sec. 15. 21-A MRSA §674, sub-§2, ¶B**, as repealed and replaced  
by PL 1993, c. 473, §18 and affected by §46, is repealed.

48 **Sec. 16. 21-A MRSA §682, sub-§3**, as amended by PL 1995, c.  
459, §62, is further amended to read:

2           **3. Advertising prohibited.** A person may not display any  
4 advertising material, operate any advertising medium, including a  
6 sound amplification device, or distribute campaign literature,  
8 posters, palm cards, buttons, badges or stickers containing a  
10 candidate's name or otherwise intending to influence the opinion  
of any voter within 250 feet of the entrance to either the voting  
place or the registrar's office. The term "sound amplification  
device" includes, but is not limited to, sound trucks,  
loudspeakers and blowhorns.

12 ~~Party workers and others who remain in the voting place outside~~  
14 ~~the guardrail enclosure may not use within the voting place~~  
cellular phones, beepers, voice or signal pagers or similar  
16 ~~devices that make noise or allow direct audible voice~~  
communication within the voting place. ~~The warden may exempt~~  
18 ~~election officials and emergency workers such as Emergency~~  
Medical Technicians and police from this provision.

20           A. This subsection does not apply to advertising material  
22 on automobiles traveling to and from the voting place. It  
does not prohibit a person from passing out stickers at the  
24 voting place to be pasted on the ballot at a primary  
election. It does not prohibit a person who is at the polls  
solely for the purpose of voting from wearing a campaign  
26 button when the longest dimension of the button does not  
exceed 3 inches.

28           B. A person who knowingly engages in activities prohibited  
30 by this section commits a Class E crime.

32           C. Nonpolitical charitable activities and other  
34 nonpolitical advertising may be allowed at the discretion of  
the clerk if arrangements are made prior to election day.  
36 If arrangements are not made in advance of election day, the  
warden may, at the warden's discretion, either allow or  
38 prohibit nonpolitical charitable activities and other  
nonpolitical advertising.

40           **Sec. 17. 21-A MRSA §682, sub-§4** is enacted to read:

42           **4. Devices for audible communication.** Party workers and  
44 others may not use cellular phones, voice pagers or similar  
devices to make audible voice communication within the voting  
place that is in violation of subsection 2.

46           **Sec. 18. 21-A MRSA §698, sub-§2-A**, as amended by PL 2001, c.  
48 310, §45, is further amended to read:

2           **2-A. Used ballots placed in tamper-proof containers.** The  
election clerks shall place the used state ballots, envelopes  
3           ~~containing--challenge--certificates,~~ including spoiled ballots,  
4           defective ballots, void ballots, used absentee ballots, used  
absentee envelopes with the applicable applications attached,  
5           envelopes containing challenge certificates, and the official  
6           tally tape from the electronic tabulating system in one or more  
7           tamper-proof ballot containers. The ballot containers must be  
8           furnished by the Secretary of State. Ballots and election  
9           materials for municipal elections conducted at the same time as a  
10           state election must be sealed separately from state ballots and  
11           other state election materials. If municipalities wish to use  
12           tamper-proof containers to seal municipal election materials,  
13           they must obtain the containers and locks at their own expense.

14  
15           If a state-supplied tamper-proof container or lock becomes  
16           defective, lost or destroyed, the clerk must apply in writing to  
17           the Secretary of State for another. The Secretary of State shall  
18           supply or approve a replacement at the expense of the  
19           municipality.

20  
21           A tamper-proof ballot container must be locked and sealed with a  
22           numbered seal before leaving the precinct. The lock and seal  
23           numbers must correlate with a certificate identifying the person  
24           sealing the container and the time of the sealing. The locks,  
25           seals and identifying certificates must be furnished by the  
26           Secretary of State.

27  
28           A. Transfer and resealing of the ballots to other  
29           containers for permanent storage must be done 60 or more  
30           days following the election. The municipal clerk shall make  
31           the transfer in the presence of one or more witnesses. The  
32           containers must be securely sealed.

33  
34           **Sec. 19. 21-A MRSA §698, sub-§6,** as enacted by PL 1985, c.  
35           161, §6, is amended to read:

36  
37           **6. Ballot security.** The municipal clerk shall take  
38           appropriate ~~security~~ measures to ensure the safety and ~~protection~~  
39           security of all ballots before, during and after the election.  
40           Ballots and voting equipment must be secured in an area that is  
41           accessible only by the clerk or the clerk's designee.

42  
43           **Sec. 20. 21-A MRSA §737-A, sub-§1,** as amended by PL 1995, c.  
44           459, §68, is further amended to read:

45  
46           **1. Deposit for recount.** All deposits required by this  
47           section must be made with the Secretary of State when a recount  
48           is requested by a losing candidate. Once the State Police have  
49           taken custody of the ballots and other election materials from  
50



2 the municipalities, the deposit made by the candidate requesting  
4 the recount is forfeited to the State if the resulting count  
6 fails to change the outcome of the election. If the recount  
reverses the election, the deposit must be returned to the  
candidate requesting the recount. The amount of the deposit is  
calculated as follows.

8 A. If the percentage difference shown by the official  
10 tabulation between the leading candidate and the 2nd-plaee  
requesting candidate is 2% or less of the total votes cast  
12 for that office, a deposit is not required.

14 B. If the percentage difference shown by the official  
16 tabulation between the leading candidate and the 2nd-plaee  
requesting candidate is more than 2% and less than or equal  
18 to 4% of the total votes cast for that office, the deposit  
is \$500.

20 C. If the percentage difference shown by the official  
22 tabulation between the leading candidate and the 2nd-plaee  
requesting candidate is more than 4% ~~or more~~ and less than  
24 or equal to 6% of the total votes cast for that office, the  
deposit is \$1,000.

26 D. If the percentage difference shown by the official  
tabulation between the leading candidate and the requesting  
candidate is more than 6% and less than or equal to 8% of  
28 the total votes cast for that office, the deposit is \$2,500.

30 E. If the percentage difference shown by the official  
tabulation between the leading candidate and the requesting  
candidate is more than 8% and less than or equal to 10% of  
32 the total votes cast for that office, the deposit is \$5,000.

34 F. If the percentage difference shown by the official  
tabulation between the leading candidate and the requesting  
candidate is more than 10% of the total votes cast for that  
36 office, the deposit is \$10,000.

40 **Sec. 21. 21-A MRSA §737-A, sub-§4**, as enacted by PL 1993, c.  
42 473, §31 and affected by §46, is amended to read:

44 **4. Time of recount and designated recount candidates.** The  
46 recount must be held as soon as reasonably possible at a time and  
48 place that affords the designated recount candidates a reasonable  
50 opportunity to be present. For purposes of this section, "the  
designated recount candidates" means the leading candidate and  
each candidate who has requested a recount and paid the  
applicable fee in accordance with this section. The recount  
involves a new count of the results for the designated recount

2 candidates only. Once a candidate has requested a recount, the  
3 other candidates for that elective office must be notified of the  
4 request as soon as possible. Candidates for that elective office  
5 whose vote totals fall between the totals of the leading  
6 candidate and the requesting candidate must be provided with an  
7 opportunity to be included in the recount as a designated recount  
8 candidate by making a written request to join the recount and  
9 paying the applicable fee, either within 5 business days after  
10 the election or, if the recount request is made on the last day  
11 of that period, by the close of business on the next business  
12 day. Candidates for that elective office other than the  
13 designated recount candidates may be present to observe the  
14 recount but are not included in the recount, and their vote  
15 totals remain as indicated in the official results reported by  
16 the municipalities.

17 **Sec. 22. 21-A MRSA §737-A, sub-§9**, as enacted by PL 1993, c.  
18 473, §31 and affected by §46, is amended to read:

19 **9. Package resealed and marked.** After a recount, the  
20 Secretary of State shall reseat the packages of ballots and  
21 incoming voting lists, noting the fact and date of the recount on  
22 the packages. All challenged and disputed ballots must be  
23 packaged separately. The challenged and disputed ballots must be  
24 kept until released to the court or to the Senate or the House of  
25 Representatives, if applicable, in case of an appeal.

26 **Sec. 23. 21-A MRSA §753-A, sub-§3, ¶¶A, B and C** are enacted to  
27 read:

28 **A.** An application or a written request for an absentee  
29 ballot must be accepted by the clerk if it contains the  
30 following information:

31 (1) The voter's name;

32 (2) The voter's residence address or other address  
33 sufficient to identify the voter;

34 (3) The signature of the voter or the voter's  
35 immediate family member who is making the application  
36 or written request. If an immediate family member is  
37 either making the application or written request or is  
38 designated in the application or written request to  
39 deliver or return the ballot to the voter, then the  
40 family relationship to the voter must also be provided;  
41 and

42 (4) If applicable, a different address to which the  
43 applicant requests the ballot be sent or delivered.  
44  
45  
46  
47  
48  
49  
50

2 B. If the voter needs assistance pursuant to subsection 5,  
4 then in addition to the information required in paragraph A,  
the following information must be provided in order for the  
6 application or written request to be accepted by the clerk:

8 (1) The printed name and signature of the person who  
helped the voter; and

10 (2) A statement that the aide helped the voter by  
12 either reading or signing the application, or both.

14 C. If the voter wishes to have the ballot delivered or  
returned by a 3rd person, then in addition to the  
16 information required in paragraph A, the following  
information must be provided in order for the application or  
18 written request to be accepted by the clerk:

20 (1) The name of the 3rd person whom the voter has  
designated. A 3rd person may only be designated in an  
22 application or written request that is signed by the  
voter.

24 **Sec. 24. 21-A MRSA §753-A, sub-§4,** as enacted by PL 1999, c.  
26 645, §6, is amended to read:

28 **4. Application by telephone.** A voter may make a telephone  
request application for the voter's own ballot. In this case,  
30 the voter may not designate an immediate family member or a 3rd  
person to deliver the ballot on the voter's behalf. The clerk  
shall ask the voter for the information required ~~on--the~~  
32 ~~applicatien~~ and complete the application, with the exception of  
the voter's signature, and shall write "telephone request" on the  
34 application. The clerk shall also obtain the voter's birth date  
and write it on the application. The clerk shall verify that it  
36 is the voter who is requesting the ballot by ~~making--the--voter~~  
~~confirm~~ confirming the voter's residence address and birth date  
38 ~~on--the--voting--list~~ with the information in the voter's record. A  
telephone application must be accepted by the clerk if it  
40 contains the voter's name, the voter's date of birth, the voter's  
residence address or other address sufficient to identify the  
42 voter and, if applicable, a different address to which the  
applicant requests the ballot be sent or delivered.

44 **Sec. 25. 21-A MRSA §753-B, sub-§1,** as enacted by PL 1999, c.  
46 645, §6, is amended to read:

48 **1. Application or written request received.** Upon receipt of  
a--completed an application ~~ex--a,~~ written request or telephone  
50 application for an absentee ballot ~~signed--by--the--voter--or--an~~  
~~immediate--family--member~~ that is accepted pursuant to section

2 753-A, the clerk shall immediately issue an absentee ballot and  
return envelope by mail or in person to the applicant or to the  
4 immediate family member or to a 3rd person designated in a  
written application or request made by the voter. Upon  
6 ~~completion of a telephone request, the clerk shall issue an~~  
~~absentee ballot by mail or in person to the voter at the address~~  
8 ~~requested by the voter.~~ The clerk shall type or write in ink the  
name and the legal residence address of the voter in the  
designated section of the return envelope.

10 **Sec. 26. 21-A MRSA §753-B, sub-§4**, as amended by PL 2001, c.  
12 310, §53, is further amended to read:

14 **4. Duplicate application.** ~~If the clerk receives a~~  
~~duplicate application or request from a person from whom the~~  
16 ~~clerk has received a return envelope apparently containing a~~  
~~statewide absentee ballot, the clerk may not furnish another~~  
18 ~~statewide absentee ballot for that person.~~ The clerk may issue a  
20 2nd statewide state absentee ballot to an applicant if the  
applicant requests one by an acceptable method outlined in this  
subchapter and:

22 A. The applicant states good cause, including, but not  
24 limited to, loss of, spoiling of or damage to the first  
absentee ballot; or

26 B. An absentee ballot for the applicant that was furnished  
28 to a designated 3rd person is was not returned to the  
clerk's office within the time limit provided in subsection  
30 3. If a ballot for an applicant is not returned to the  
clerk within that time limit, the clerk shall mail or hand  
32 deliver a ballot to that applicant and may not issue another  
ballot to the applicant except for good cause as provided in  
34 this subsection. This paragraph does not affect the ~~time~~  
deadline for delivery of absentee ballots under section 755.

36 The clerk may also issue a 2nd state absentee ballot to a voter  
38 from whom the clerk has received a return envelope apparently  
containing a state absentee ballot when the state has provided  
40 the clerk with replacement ballots to reflect the removal of a  
candidate's name or the addition of a new candidate's name or the  
42 correction of an error. When a 2nd state absentee ballot is  
issued to a voter under this section, the clerk must write the  
44 words "second ballot issued" on the return envelope.

46 **Sec. 27. 21-A MRSA §756, sub-§5**, as amended by PL 2001, c.  
48 310, §56, is further amended to read:

50 **5. Envelopes and lists delivered.** On election day, the  
clerk shall deliver or have delivered the return envelopes

2 prescribed by section 752, subsection 3, with the applications,  
when required, attached and a copy of the list required by  
4 section 753-B, subsection 6, to the warden of the voting district  
in which the voter is registered, except in those municipalities  
6 where the municipal-officers-have-authorized-the clerk to process  
or the clerk's designee processes the absentee ballots  
centrally. If more than one return envelope is received from the  
8 same voter, the clerk shall deliver or have delivered to the  
warden for counting only the return envelope bearing the earliest  
10 date and time. In those municipalities where the absentee  
ballots are processed centrally, the clerk shall deliver or have  
12 delivered the materials described in this subsection to the  
person authorized by the clerk to process absentee ballots at the  
14 designated central location. After processing the absentee  
ballots, the warden or the clerk shall attach the copy of the  
16 list of absentee voters to the incoming voting list and seal it  
as provided in section 698.

18 ~~This subsection does not apply to municipalities with 2 or more~~  
20 ~~voting precincts where absentee ballots are counted at a place~~  
~~other than the voting district.~~

22 **Sec. 28. 21-A MRSA §756, sub-§6** is enacted to read:

24 **6. Procedure when duplicate envelopes received from same**  
26 **voter.** If more than one return envelope is received from the  
same voter who was authorized to receive a 2nd state absentee  
28 ballot pursuant to section 753-B, then the clerk or warden shall  
process and count the ballot from the envelope marked "second  
30 ballot issued" or bearing the latest date and time and shall  
reject and keep sealed the first absentee envelope. If more than  
32 one return envelope is received from the same voter who was not  
authorized to receive a 2nd state absentee ballot pursuant to  
34 section 753-B, then the clerk or warden shall process and count  
the ballot from the envelope bearing the earliest date and time.  
36 If only one return envelope is received from a voter who was  
authorized to receive a 2nd state absentee ballot pursuant to  
38 section 753-B, then the clerk or warden shall process and count  
that ballot for all offices or questions for which the voter was  
40 entitled to vote.

42 **Sec. 29. 21-A MRSA §860,** as amended by PL 1995, c. 459, §112,  
is further amended to read:

44 **§860. Violation and penalty**

46 Any person who, before, during or after an election, tampers  
48 with or willfully injures any voting device, ballot or other  
records or equipment used in the election, or interferes or

2 attempts to interfere with the correct operation of such a device  
or equipment or the secrecy of voting, commits a Class C B crime.

4

## SUMMARY

6

8 This bill adds or amends the definitions for certain voting  
terms. The bill also specifies how ballots must be destroyed  
after their retention period. This bill clarifies the process  
10 for adding names of new registrants to the voting list for  
election day. The bill also prohibits the use of obscene  
12 language in the name of a new political party or for a nonparty  
candidate's political designation on petitions or the ballot.  
14 The bill corrects an incorrect reference to the Maine Rules of  
Civil Procedure, relating to challenges of the Secretary of  
16 State's decision regarding candidate petitions. This bill adds a  
reason for challenging ballots, which is currently found in  
18 another section of law, to the challenge section. The bill also  
removes the penalty for soliciting a vote from a person who is  
20 under guardianship because of mental illness. The bill clarifies  
the prohibition against the use of devices in the voting place to  
22 make audible voice communications that influence voters. This  
bill also specifies that the state-supplied tamper-proof  
24 containers and locks must only be used to secure state ballots  
and election materials. The bill clarifies the requirement that  
26 the clerk must provide a secure location for keeping ballots and  
voting equipment. This bill also clarifies which candidates can  
28 request a recount and increases the deposit amount for recounts  
requested when the difference between the vote totals is over 6%,  
30 8% and 10% of the total votes cast for the office. This bill  
details specific requirements for when a clerk must accept a  
32 written absentee ballot application, written request or telephone  
application. The bill also clarifies the circumstances when a  
34 voter can be issued a 2nd absentee ballot, as well as directing  
the election officials as to which of these ballots must be  
36 processed and counted on election day. Finally, this bill  
changes the penalty for tampering with an electronic tabulating  
38 device or other type of voting device so that it is consistent  
with the penalty for tampering with a voting machine. This bill  
40 also clarifies who are designated recount candidates and the  
procedure to be used in notifying a candidate of the recount.

42