

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1362

S.P. 476

March 13, 2007

An Act To Amend the Laws Governing Municipal Elections

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

A handwritten signature in black ink, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator MARTIN of Aroostook.

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

2 **Sec. 1. 21-A MRSA §737-A, sub-§1-A** is enacted to read:

3 **1-A. Deposit for municipal recounts.** A deposit for a recount of a municipal
4 election is not required if the percentage difference shown by the official tabulation is
5 equal to or less than:

6 A. Two and one-half percent, if the combined vote for the candidates is 1,000 or less;

7 B. Two percent, if the combined vote for the candidates is 1,001 to 5,000; or

8 C. One and one-half percent, if the combined vote for the candidates is 5,001 or
9 over.

10 The amount of the deposit for a recount of a municipal election that is required pursuant
11 to this section is determined by the Secretary of State and must be 50% of the reasonable
12 estimate of the cost to the secretary of performing the recount. For purposes of this
13 subsection, "percentage difference" means the difference between the percentage of the
14 total votes for an office received by the candidate requesting a recount and the percentage
15 of the total votes for that office received by the nearest winning candidate.

16 **Sec. 2. 21-A MRSA §737-A, sub-§5,** as enacted by PL 1993, c. 473, §31 and as
17 affected by §46, is amended to read:

18 **5. Persons prohibited from working at recount.** Confidential state employees,
19 employees of the Legislature, candidates ~~and~~, elected state officials ~~and~~, in the case of a
20 municipal recount, municipal employees and elected municipal officials of that
21 municipality may not participate in ballot recounts in any capacity. This subsection does
22 not prohibit employees within the Department of the Secretary of State, election officials
23 and staff of the Department of the Attorney General and the Judicial Department from
24 performing their duties with respect to a recount.

25 **Sec. 3. 30-A MRSA §2531-A,** as amended by PL 1999, c. 712, §1, is repealed
26 and the following enacted in its place:

27 **§2531-A. Recount hearing**

28 This section governs all recount hearings in any election for municipal office.
29 Recount procedures delineated in Title 21-A, section 737-A apply to a recount for an
30 election for municipal office.

31

SUMMARY

32 This bill replaces the procedures for a recount of a municipal election where the
33 municipal officers oversee the recount with the procedures for a recount of a statewide
34 election, other than that for the state House of Representatives or state Senate, where the
35 Secretary of State oversees the recount.