

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

SMO
11

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

Date: 5-26-11

(Filing No. S-176)

VETERANS AND LEGAL AFFAIRS

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

125TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 343, L.D. 1134, Bill, "An Act To Make Municipal Recounts Consistent with State Recounts"

Amend the bill in section 1 in paragraph C in the last blocked paragraph in the first and 2nd lines (page 1, lines 7 and 8 in L.D.) by striking out the following: "form, manner and time as a recount hearing" and inserting the following: 'form; and manner ~~and time~~ as a recount ~~hearing~~'

Amend the bill by striking out all of section 3 and inserting the following:

Sec. 3. 30-A MRSA §2530-A, first and 2nd ¶¶, as enacted by PL 1993, c. 608, §11, are amended to read:

This section ~~governs all inspections~~ provides for the preliminary inspection of ballots and incoming voting lists cast in any election for municipal office. Inspection procedures for other offices do not apply to elections for municipal office.

If a candidate other than a declared winner in an election applies in writing to the municipal clerk within 5 days after the result of a city election or an election under section 2528 has been declared, the municipal clerk shall permit the candidate or the candidate's agent, after payment of any ~~deposit~~ fee required under subsection 2 9, to inspect the ballots and incoming voting lists under proper protective regulations for the purpose of determining whether or not to request a recount under section 2531-B. The final day of the 5-day period ends at the close of regular business hours in the office of the municipal clerk. The candidate requesting the inspection may request a random or complete inspection of the ballots and incoming voting lists.

Sec. 4. 30-A MRSA §2530-A, sub-§§2, 3 and 4, as enacted by PL 1993, c. 608, §11, are repealed.

Sec. 5. 30-A MRSA §2530-A, sub-§9 is enacted to read:

9. Municipal clerk may assess fee. The municipal clerk may assess a fee for the inspection of ballots as provided in this section. The fee may not exceed the actual costs to administer the inspection of ballots conducted in accordance with this section.'

COMMITTEE AMENDMENT

1 Amend the bill in section 5 in §2531-B by striking out the first indented paragraph
2 and inserting the following:

3 'A recount for an election for municipal office must be performed by a municipal
4 clerk or the clerk's designee pursuant to the provisions of Title 21-A, section 737-A and
5 the rules adopted pursuant to Title 21-A, section 737-A, except that the provisions of
6 Title 21-A, section 737-A, subsections 1, 5 and 12 and the duties of the State Police do
7 not apply to this section. Except for the municipal clerk or the municipal clerk's designee,
8 an election official as defined in Title 21-A, section 1, subsection 14 or an official of a
9 municipal police department performing an official duty in a recount, an employee or
10 elected official of the municipality or a candidate in an election may not participate in a
11 recount of that election under this section.'

12 Amend the bill in section 5 in §2531-B in subsection 1 in the first blocked paragraph
13 in the 2nd and 3rd lines (page 2, lines 2 and 3 in L.D.) by striking out the following:
14 "ballot inspection" and inserting the following: 'recount'

15 Amend the bill in section 5 in §2531-B in subsection 2 in the last line (page 2, line 7
16 in L.D.) by striking out the following: "inspection" and inserting the following: 'recount'

17 Amend the bill in section 5 in §2531-B in subsection 3 in the 3rd and 4th lines (page
18 2, lines 10 and 11 in L.D.) by striking out the following: "ballot inspection" and inserting
19 the following: 'recount'

20 Amend the bill in section 5 in §2531-B in subsection 3 in the 2nd to last line (page 2,
21 line 19 in L.D.) by striking out the following: "inspection or"

22 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
23 section number to read consecutively.

24 SUMMARY

25 This amendment clarifies that election officials may take part in municipal recounts
26 of elections. It also provides that a preliminary inspection of the ballots and the incoming
27 voting list may be requested to determine whether or not to request a recount as
28 established by the bill. That inspection process is based on what is in current law for the
29 inspection of ballots at the municipal level. This amendment also makes technical
30 changes to the bill, replacing the term "ballot inspection" with the term "recount" where
31 applicable.