

MAINE STATE LEGISLATURE

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5/19/17

Date: 5/19/17

(Filing No. H-243)

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STATE AND LOCAL GOVERNMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 881, L.D. 1269, Bill, "An Act To Adjust the Timing for Recounts in Certain Municipal and Local School Elections"

Amend the bill by striking out the title and substituting the following:

'An Act To Adjust the Procedure for Recounts in Certain Municipal Elections'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 30-A MRSA §2531-B, first ¶, as enacted by PL 2011, c. 255, §7, is amended to read:

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

Sec. 2. 30-A MRSA §2532, as amended by PL 2011, c. 255, §8, is further amended to read:

§2532. Referendum recount procedure

In the case of a referendum, a recount must be granted upon written application of 10% or 100, whichever is less, of the ~~persons whose names were checked on the voting list at any town referendum or ballot question under section 2105 or 2528, or any city referendum~~ registered voters in the municipality. The time limits, rules and all other matters applying to candidates under section 2531-B apply equally to applicants for the

COMMITTEE AMENDMENT

1 recount. Except as otherwise provided in this section, the method of conducting a
2 referendum recount is governed by Title 21-A, section 737-A.'

3 **SUMMARY**

4 This amendment strikes the bill and:

5 1. Requires a written request for a recount for an election for municipal office to go
6 to the municipal clerk, not the Secretary of State as in the bill, and requires the request for
7 a recount to be filed within 7 business days; and

8 2. Adds a provision to provide that a referendum recount in a municipality must be
9 granted upon written application of 10% or 100, whichever is less, of registered voters in
10 a municipality. Current law requires the application to be made by 10% or 100,
11 whichever is less, of persons whose names were checked off at the referendum election.