

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1269

H.P. 881

House of Representatives, March 30, 2017

An Act To Adjust the Timing for Recounts in Certain Municipal and Local School Elections

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative PARRY of Arundel.
Cosponsored by Representatives: DEVIN of Newcastle, FARRIN of Norridgewock,
O'CONNOR of Berwick, TURNER of Burlington, Senators: COLLINS of York,
DESCHAMBAULT of York, MASON of Androscoggin.

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

2 **Sec. 1. 20-A MRSA §1466, sub-§14, ¶A,** as enacted by PL 2009, c. 580, §9, is
3 amended to read:

4 A. If, within ~~7~~ 10 business days of the computation and recording of the results of
5 the voting, the municipality requests to the commissioner in writing a recount of the
6 votes, the commissioner shall immediately cause the checklists and all the ballots cast
7 in the municipality to be collected and kept at the commissioner's office so they may
8 be recounted by the municipality. If the municipality counts all ballots by hand, a
9 recount must be performed under this paragraph if the total vote difference is 10
10 votes or fewer.

11 **Sec. 2. 30-A MRSA §2531-B, first ¶,** as enacted by PL 2011, c. 255, §7, is
12 amended to read:

13 A recount for an election for municipal office must be performed by a municipal
14 clerk or the clerk's designee pursuant to the provisions of Title 21-A, section 737-A and
15 the rules adopted pursuant to Title 21-A, section 737-A, except that a written request for a
16 recount must be filed with the Secretary of State within 10 business days after the
17 election and the provisions of Title 21-A, section 737-A, subsections 1, 5 and 12 and the
18 duties of the State Police do not apply to this section. Except for the municipal clerk or
19 the municipal clerk's designee, an election official as defined in Title 21-A, section 1,
20 subsection 14 or an official of a municipal police department performing an official duty
21 in a recount, an employee or elected official of the municipality or a candidate in an
22 election may not participate in a recount of that election under this section.

23 **Sec. 3. 30-A MRSA §2531-B, sub-§4** is enacted to read:

24 **4. Recount required for close elections with hand-counted ballots.** If a
25 municipality counts all ballots by hand, a recount must be performed by the municipal
26 clerk or the clerk's designee if the total vote difference is 10 votes or fewer.

27 **Sec. 4. 30-A MRSA §2532,** as amended by PL 2011, c. 255, §8, is further
28 amended to read:

29 **§2532. Referendum recount procedure**

30 In the case of a referendum, a recount must be granted upon written application of
31 10% or 100, whichever is less, of the persons whose names were checked on the voting
32 list at any town referendum or ballot question under section 2105 or 2528, or any city
33 referendum. The time limits, rules and all other matters applying to candidates under
34 section 2531-B apply equally to applicants for the recount. Except as otherwise provided
35 in this section, the method of conducting a referendum recount is governed by Title 21-A,
36 section 737-A. If a municipality counts all ballots by hand, a referendum recount must be
37 performed under this section if the total vote difference is 10 votes or fewer.

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SUMMARY

This bill changes the deadline for requesting a recount in a municipal, local school or local referendum election to 10 business days after the election. It also provides that in a municipality that counts all ballots by hand, a recount is automatically triggered in a municipal, local school or local referendum election if the total vote difference is 10 votes or fewer.