

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2020

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Legislative Document

No. 1989

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S.P. 691

In Senate, January 8, 2020

### **An Act To Amend the Laws Governing Recounts in Municipal Elections**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator LIBBY of Androscoggin.  
Cosponsored by Representative McCREIGHT of Harpswell and  
Representative: FECTEAU of Biddeford.

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

2 **Sec. 1. 30-A MRSA §2531-B, sub-§11**, as enacted by PL 2019, c. 288, §1, is  
3 amended to read:

4 **11. Procedure at recount.** A recount in an election ~~of a~~ for municipal ~~office~~ office  
5 must be conducted according to the procedures in this subsection unless the municipal  
6 legislative body adopts the recount procedures of Title 21-A, section 737-A and the rules  
7 adopted pursuant to that section, except that Title 21-A, section 737-A, subsections 1, 5  
8 and 12 and the duties of the State Police do not apply.

9 A. The municipal clerk shall publicly explain the recount procedure at the start of the  
10 recount and shall supervise the sorting and hand counting of the votes in public with  
11 assistance from counters appointed by the clerk.

12 B. A candidate may provide counters to conduct the recount under the supervision of  
13 the municipal clerk. If an insufficient number of counters is provided, the clerk shall  
14 supply counters. Municipal officers and candidates on that election ballot may not  
15 serve as counters.

16 C. The municipal clerk and counters shall follow all applicable laws and the rules for  
17 determining voter intent adopted by the Secretary of State pursuant to Title 21-A,  
18 section 696, subsection 6.

19 D. If any ballots are disputed as to voter intent, the candidates may resolve the  
20 dispute by consensus in accordance with rules for determining voter intent adopted  
21 by the Secretary of State pursuant to Title 21-A, section 696, subsection 6. If  
22 consensus cannot be reached, those disputed ballots must be set aside. If the number  
23 of disputed ballots potentially affects the outcome of the recount, the municipal clerk  
24 shall forward the disputed ballots to the clerk of the nearest Superior Court in the  
25 county in which the election was held.

26 E. Upon written request, the municipal clerk shall make the incoming voting list and  
27 absentee ballot materials, along with all records required by law to be kept in  
28 connection with the election, available for inspection, unless those materials have  
29 been requested as part of a state recount.

30 F. After the recount, the municipal clerk shall reseal the package of ballots and  
31 incoming voting list and shall note on the package the fact that the recount was held  
32 and the date of the recount.

33 G. In order to withdraw from a recount, a candidate must notify the municipal clerk  
34 of the intent to withdraw and the reason for withdrawal. The notice must be signed by  
35 the candidate, notarized and delivered to the municipal clerk prior to or during the  
36 scheduled recount. In the event of a withdrawal, the final election day tabulation is  
37 considered the final result.

38 **SUMMARY**

39 This bill amends the laws governing recounts in elections for municipal office to  
40 clarify that those laws apply to elections for all municipal offices.