

MAINE STATE LEGISLATURE

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NINETY-FOURTH LEGISLATURE

Legislative Document

No. 849

H. P. 1493

House of Representatives, February 17, 1949

Referred to the Committee on Judiciary, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Gates of Millinocket.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT Relating to Inspections and Recounts in Municipal Elections.

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

Sec. 1. R. S., c. 80, § 60, amended. Section 60 of chapter 80 of the revised statutes is hereby amended by adding at the end thereof a new sentence to read as follows:

'The person presiding at a meeting for the choice of town officers and the submission of questions, in pursuance of sections 46 to 60, inclusive, shall, after counting and tabulation of the votes cast, deliver all ballots cast to the clerk who shall seal them in a suitable package or packages and preserve them safely for the purposes of the following section.'

Sec. 2. R. S., c. 80, § 61, amended. Section 61 of chapter 80 of the revised statutes is hereby amended to read as follows:

'Sec. 61. Inspection of ballots. Upon written application by any candidate for any ~~city~~ municipal office within 3 days after the result of a city election is declared, or the result of a town election under the provisions of sections 46 to 60, inclusive, is declared, the clerk of ~~each~~ such city or town shall permit any candidate or his agent to inspect the ballots cast at any such municipal election after the same have been returned to him,

under such reasonable regulations or restrictions consistent with the right of inspection as will secure every ballot from loss, injury or change in any respect. Such inspection shall be permitted only after written notice **in a city** by said clerk to the ward officers who signed the returns of said election and **in a town to the person who presided at the meeting, and in all instances after written notice by said clerk** to the other contesting candidates, sufficient to enable them to be present in person or by agent at said inspection. After each inspection the packages shall be again sealed, and the fact and date of inspection noted on the package. No such examination of the ballots shall be made without reasonable notice to all candidates upon the ballot for the offices specified in the application as to which such errors are alleged to have occurred, stating when and where such examination will be made and affording such candidates a reasonable opportunity to be present in person or by counsel at such examination and be heard in relation thereto. Said inspection of ballots shall be held not later than 5 days after written application for an inspection of said ballots has been received by the said city **or town** clerk.'

Sec. 2. R. S., c. 80, § 62, amended. Section 62 of chapter 80 of the revised statutes is hereby amended to read as follows:

'**Sec. 62. Recount proceedings.** Whenever any candidate for any municipal office shall desire a recount of the votes cast for the particular office for which he was a candidate, he shall within 3 days from the date of said inspection file a sworn petition with the ~~city~~ clerk of said municipality setting forth the particular office for which he was a candidate, and state on his own knowledge or on information and belief, that because of the closeness of the vote, or a mistake in counting of the ballots or in the return of the ward offices, or fraud committed before or during said election, or any other cause, he would like a recount of all the ballots cast in said municipality for the office for which he was a candidate.'