



129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 1989

S.P. 691

In Senate, January 8, 2020

An Act To Amend the Laws Governing Recounts in Municipal Elections

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.