

§711. Preparation of returns

As soon as the results of the election have been declared, the election return must be prepared. The warden at each ward or precinct shall fill out the election return form provided by the Secretary of State, showing the number of votes cast for each candidate or question and recording the total number of state ballots cast in that ward or precinct. For elections determined by ranked-choice voting, the warden shall report on the election return only the first choice votes cast. The warden and one other election official shall sign the return and immediately deliver it to the municipal clerk. The form provided by the Secretary of State must include the names of all candidates, including declared write-in candidates as determined by section 722-A. [PL 2019, c. 320, §7 (AMD).]

1. Single district municipality. In a municipality with a single voting district, the municipal clerk shall make an attested copy of the municipality return and immediately send it to the Secretary of State. [PL 2001, c. 310, §48 (RPR).]

2. Multidistrict municipality. In a municipality with multiple voting districts, the municipal clerk shall total the voting district returns and complete the total municipality return form provided by the Secretary of State. The clerk shall make an attested copy of each of the voting district returns and the total municipality return and immediately send them to the Secretary of State. [PL 2001, c. 310, §48 (RPR).]

2-A. Clerk to correct obvious errors. In making the attested copies of either the voting district returns or the municipality return, the clerk shall correct any errors in either the tabulating or recording of the count that are obvious based on the tally sheets or copies of the tally tapes available to the clerk. The clerk may not change the totals recorded on the precinct return prepared by the warden but shall make the correction to the attested copy with a notation of the basis for the correction. [PL 2001, c. 310, §48 (NEW).]

3. Clerk to file election return. The clerk shall file an attested copy of the election return with the Secretary of State within 2 business days after election day. If an attested copy of an election return is not delivered to the Secretary of State by 5 p.m. on the 2nd business day after an election, the Secretary of State may send a courier to the municipality concerned, and the clerk shall give that courier an attested copy of the return. The municipality shall reimburse the Secretary of State for the costs of the courier service. [PL 2019, c. 636, §14 (AMD).]

4. Authority to open tamper-proof ballot security containers. After giving notice to the state chair of each political party, the Secretary of State may authorize the municipal clerk, in the presence of one or more witnesses from each of the major parties, to open the sealed tamper-proof ballot security containers as described in section 609 holding used ballots to retrieve the incoming voting list or a copy of any election return forms that were improperly sealed in the containers. If there is a recount requested for a local election that was held at the same time as a state election, the Secretary of State may authorize these election officials to open the sealed tamper-proof ballot security containers to remove any local ballots that were sealed in the containers of state ballots, except that any requested state recount must be held prior to such authorization. The Secretary of State also may authorize these election officials to review and make copies of tabulation sheets that would assist in properly reporting or correcting the results recorded on election night, as well as to review machine-tabulated ballots that were hand counted because they were not read by the tabulator or because they contained write-in votes, and to correct errors in the hand tabulation. The clerk must reseal the containers and secure them for the remainder of the time required for retention of ballots under section 23. [PL 2011, c. 534, §16 (AMD).]

SECTION HISTORY

PL 1985, c. 161, §6 (NEW). PL 1985, c. 226 (AMD). PL 1991, c. 466, §21 (AMD). PL 2001, c. 310, §48 (RPR). PL 2001, c. 516, §12 (AMD). PL 2007, c. 455, §39 (AMD). PL 2009, c. 253, §34 (AMD). PL 2011, c. 342, §28 (AMD). PL 2011, c. 534, §16 (AMD). PL 2019, c. 320, §7 (AMD). PL 2019, c. 636, §14 (AMD).

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