

**§738. Statewide referendum ballots**

Except as provided by this section, the method of conducting a recount of a statewide referendum is governed by section 737-A. Appeal of challenged or disputed ballots is to the Supreme Judicial Court. [PL 2017, c. 141, §8 (NEW).]

**1. Recount request.** To request a recount of a statewide referendum, a petition signed by 200 or more registered voters must be submitted to the Secretary of State within 8 business days after the election. The Secretary of State shall provide a petition form for this purpose to any registered voter in the State who requests it within 2 days of receiving the request. [PL 2017, c. 141, §8 (NEW).]

**2. Deposit for recount.** A representative of the recount petitioners shall pay the deposit required by this section when the petition is submitted to the Secretary of State. The amount of the deposit is calculated as follows.

A. If the difference shown by the official tabulation between the yes and the no votes is 1% or less of the total votes cast for that question or not more than 1,000 votes, whichever is less, a deposit is not required. Petitioners who are not required to pay a deposit pursuant to this subsection may not be charged for the recount regardless of whether the procedure changes the result of the election. [PL 2017, c. 141, §8 (NEW).]

B. If the difference shown by the official tabulation between the yes and the no votes is more than 1% of the total votes cast for that question or more than 1,000 votes, whichever is less, the deposit is \$5,000 or 10% of the reasonable estimate of the cost to the State of performing the first stage of the recount, whichever is greater. After the completion of the recount, if the recount has not changed the result of the election, the Secretary of State shall calculate the cost of the procedure, which must be paid by the petitioners. If the deposit is greater than the actual cost, the overpayment must be refunded to the petitioners. If the actual cost is greater than the deposit, the petitioners shall pay to the State the remainder of the actual cost. Once the courier, or the State Police if requested, has taken custody of the ballots and other election materials for the first stage of the recount, the deposit made by the petitioners is forfeited to the State even if the petitioners withdraw from the recount before the recount begins. If a recount reverses the result of the election, the deposit must be returned to the petitioners. [PL 2019, c. 371, §34 (AMD).]

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**3. Order of recounts.** If a ballot contains state and local candidates or questions and a recount is requested, the Secretary of State shall determine which requests for recount must be honored first when more than one request is presented. If recounts are requested for more than one office or referendum question that is included on the same state ballot for one or more jurisdictions, the Secretary of State may determine a process for counting the ballots for both offices or questions simultaneously. [PL 2017, c. 141, §8 (NEW).]

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**SECTION HISTORY**

PL 1985, c. 161, §6 (NEW). PL 1987, c. 188, §10 (AMD). PL 1993, c. 473, §32 (AMD). PL 1993, c. 473, §46 (AFF). PL 1995, c. 506, §1 (AMD). PL 1995, c. 506, §3 (AFF). PL 2017, c. 141, §8 (RPR). PL 2019, c. 371, §34 (AMD).

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