



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1476

H.P. 1078

House of Representatives, April 2, 2019

An Act To Clarify Recounts in Municipal Elections

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative HANDY of Lewiston.

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

2 **Sec. 1. 30-A MRSA §2530-A**, as amended by PL 2011, c. 255, §§3 to 5, is
3 repealed.

4 **Sec. 2. 30-A MRSA §2532**, as amended by PL 2017, c. 191, §2, is further
5 amended to read:

6 **§2532. Referendum recount procedure**

7 In the case of a referendum, a recount must be granted upon written application of
8 10% or 100, whichever is less, of the registered voters in the municipality. The
9 application must designate a contact person, with the person's mailing address, residential
10 address and telephone number, who is to be considered the official representative of those
11 registered voters with regard to the referendum. The time limits, rules and all other
12 matters applying to candidates under section 2531-B apply equally to applicants for the
13 recount. Except as otherwise provided in this section, the method of conducting a
14 referendum recount is governed by Title 21-A, section 737-A. An official representative
15 from the opposing side of a referendum issue is determined by the first submittal of an
16 affidavit signed by 10 registered voters in the municipality.

17 **1. Date of recount and notice.** When the application for a recount is filed, the
18 municipal clerk shall immediately set a date for the recount, which must be held within 5
19 business days after the application is filed. The municipal clerk shall notify the municipal
20 officers and the opposing official representative of the recount date.

21 **2. Procedure at recount.** The municipal clerk shall publicly sort and facilitate the
22 counting of the votes. All recounts must be conducted by a hand recount, with counters
23 who may be provided by the official representatives. The number of required counters to
24 facilitate a hand count must be determined by the municipal clerk. To whatever extent
25 possible, when counters are provided by both opposing sides, each counter must be paired
26 with a counter from the opposing side. If no counters are provided, the municipal clerk
27 may secure election officials to conduct the hand recount.

28 All election materials in any way involved in the election and all records required by law
29 to be kept in connection with the election must be available for inspection.

30 Disputed ballots may be resolved by the official representatives or their legal
31 representatives. If both opposing sides do not have an official representative or legal
32 representative designated, disputed ballots must remain unresolved. Unresolved disputed
33 ballots or challenged ballots may not be included in the recount and must be segregated
34 and secured with other voted ballots. If the number of unresolved disputed or challenged
35 ballots affects the result of the recount, the matter must be sent to the Supreme Judicial
36 Court in accordance with Title 21-A, section 737-A, subsection 10.

37 **3. Packages resealed and marked.** After the recount, the municipal clerk shall
38 reseal the packages of ballots and the incoming voting lists and shall note the fact and
39 date of the recount on them.

