

**§2530-A. Candidate's inspection of ballots and incoming voting lists**

This section provides for the preliminary inspection of ballots and incoming voting lists cast in any election for municipal office. Inspection procedures for other offices do not apply to elections for municipal office. [PL 2011, c. 255, §3 (AMD).]

If a candidate other than a declared winner in an election applies in writing to the municipal clerk within 5 days after the result of a city election or an election under section 2528 has been declared, the municipal clerk shall permit the candidate or the candidate's agent, after payment of any fee required under subsection 9, to inspect the ballots and incoming voting lists under proper protective regulations for the purpose of determining whether or not to request a recount under section 2531-B. The final day of the 5-day period ends at the close of regular business hours in the office of the municipal clerk. The candidate requesting the inspection may request a random or complete inspection of the ballots and incoming voting lists. [PL 2011, c. 255, §3 (AMD).]

Any inspection of ballots and incoming voting lists is subject to the following provisions. [PL 1993, c. 608, §11 (NEW).]

**1. Notice.** The inspection may be permitted only after written notice by the municipal clerk to:

A. The ward officers who signed the election returns in a city or the moderator in a town; and [PL 1993, c. 608, §11 (NEW).]

B. All candidates for the office specified in the application. [PL 1993, c. 608, §11 (NEW).]

This notice must state the time and place of the inspection and provide the persons listed in paragraphs A and B with a reasonable opportunity to be present and heard in person or to be represented by counsel. [PL 1993, c. 608, §11 (NEW).]

**2. When deposit is required.**

[PL 2011, c. 255, §4 (RP).]

**3. Amount of deposit.**

[PL 2011, c. 255, §4 (RP).]

**4. Forfeiture or refund of deposit.**

[PL 2011, c. 255, §4 (RP).]

**5. Time of inspection.** The inspection must be held within 5 days after the municipal clerk receives the written application requesting an inspection.

[PL 1993, c. 608, §11 (NEW).]

**6. Packages resealed.** After each inspection, the municipal clerk shall reseat the packages of ballots and the incoming voting lists and shall note the fact and date of inspection on them.

[PL 1993, c. 608, §11 (NEW).]

**7. Candidate defined.** As used in this section and section 2531-A, "candidate" means any person who has received at least one vote for the municipal office in question.

[PL 1993, c. 608, §11 (NEW).]

**8. Calculation of time.** The periods established in this section must be calculated according to the Maine Rules of Civil Procedure, Rule 6(a). The final day of any period calculated pursuant to this section ends at the close of regular business hours in the office of the municipal clerk. Actions required to be taken by the end of a day certain that are taken after the close of regular business hours in the office of the municipal clerk on the day certain are not timely.

[PL 1993, c. 608, §11 (NEW).]

**9. Municipal clerk may assess fee.** The municipal clerk may assess a fee for the inspection of ballots as provided in this section. The fee may not exceed the actual costs to administer the inspection of ballots conducted in accordance with this section.

[PL 2011, c. 255, §5 (NEW).]

#### SECTION HISTORY

PL 1993, c. 608, §11 (NEW). PL 2011, c. 255, §§3-5 (AMD).

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