

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Amend the Laws Governing Municipal Elections

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

Sec. 1. 21-A MRSA §737-A, sub-§1-A is enacted to read:

1-A. Deposit for municipal recounts. A deposit for a recount of a municipal election is not required if the percentage difference shown by the official tabulation is equal to or less than:

- A. Two and one-half percent, if the combined vote for the candidates is 1,000 or less;
- B. Two percent, if the combined vote for the candidates is 1,001 to 5,000; or
- C. One and one-half percent, if the combined vote for the candidates is 5,001 or over.

The amount of the deposit for a recount of a municipal election that is required pursuant to this section is determined by the Secretary of State and must be 50% of the reasonable estimate of the cost to the secretary of performing the recount. For purposes of this subsection, "percentage difference" means the difference between the percentage of the total votes for an office received by the candidate requesting a recount and the percentage of the total votes for that office received by the nearest winning candidate.

Sec. 2. 21-A MRSA §737-A, sub-§5, as enacted by PL 1993, c. 473, §31 and as affected by §46, is amended to read:

5. Persons prohibited from working at recount. Confidential state employees, employees of the Legislature, candidates and, elected state officials and, in the case of a municipal recount, municipal employees and elected municipal officials of that municipality may not participate in ballot recounts in any capacity. This subsection does not prohibit employees within the Department of the Secretary of State, election officials and staff of the Department of the Attorney General and the Judicial Department from performing their duties with respect to a recount.

Sec. 3. 30-A MRSA §2531-A, as amended by PL 1999, c. 712, §1, is repealed and the following enacted in its place:

§ 2531-A. Recount hearing

This section governs all recount hearings in any election for municipal office. Recount procedures delineated in Title 21-A, section 737-A apply to a recount for an election for municipal office.

SUMMARY

This bill replaces the procedures for a recount of a municipal election where the municipal officers oversee the recount with the procedures for a recount of a statewide election, other than that for the state House of Representatives or state Senate, where the Secretary of State oversees the recount.