**An Act To Establish the Board of Canvassers for Certifying Election Results**

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

**Sec.** **1. 5 MRSA §12004-G, §31-D** is enacted to read:

**§****31-D.**

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| Secretary of State | Board of Canvassers | Legislative Per Diem | 21-A MRSA §871 |

**Sec.** **2. 21-A MRSA §722,** as amended by PL 2019, c. 371, §26, is further amended by amending the section headnote to read:

**§****722.** **Secretary of State to tabulate and print results** **or submit results to Board of** **Canvassers**

**Sec.** **3. 21-A MRSA §722, first ¶,** as amended by PL 2019, c. 371, §26, is further amended to read:

Within 20 days after an election except for a general or special election for the offices listed in section 872, subsection 1, the Secretary of State shall tabulate the election returns and submit a certified copy of the tabulation to the Governor. Within 10 days after a general or special election for the offices listed in section 872, subsection 1, the Secretary of State shall tabulate election returns and submit the returns to the Board of Canvassers at its first meeting after that election pursuant to section 872, subsection 2. The board shall examine the returns and the tabulation of returns and, in accordance with section 873, prepare a statement of certification to the Governor. The tabulation of a candidate or referendum election is considered final as of the date the certified copy is submitted to the Governor, except for any contests in which a recount is pending.

**Sec.** **4. 21-A MRSA c. 9, sub-c. 7** is enacted to read:

**SUBCHAPTER** **7**

**BOARD OF CANVASSERS**

**§****871.** **Board of Canvassers established**

The Board of Canvassers, referred to in this subchapter as "the board" and established under Title 5, section 12004-G, subsection 31-D, consists of 4 members appointed in accordance with this section.

**1.** **Qualification.**  In order to be qualified for appointment under this section, a person must be registered to vote in the State and currently enrolled in either of the 2 political parties holding the largest number of seats in the Legislature. A person who is a candidate for or has been elected to any state or municipal governing body is not qualified to be a nominee or a member of the board.

**2.** **Submission of nominees to the Governor.** On or before the 10th day of February in an odd-numbered year, the caucus leaders of the 2 political parties holding the largest number of seats in the House and Senate shall each submit to the Governor the names of 3 individuals as nominees for a board seat assigned to that party that is vacant or soon to be vacant. Each party is assigned 2 seats on the board. On or before the 20th day of February, the Governor shall appoint one individual from the list of 3 individuals nominated by each political party to a position on the board.

**3.** **Terms.**  Members of the board serve 4-year terms beginning on the first Monday in March, except that the first of the 2 members appointed from each political party serve 5-year terms. Prior to the expiration of a term or upon a vacancy before completion of a term, the caucus leaders of the party of the member whose term is expiring shall provide the names of 3 individuals as nominees to fill the seat when it becomes vacant. The Governor shall appoint an individual from that list. A member may not serve more than 2 consecutive terms.

**§****872.** **General provisions**

**1.** **Canvassing.**  For the purposes of this subchapter, "canvassing" means the act of examining and counting the returns of votes cast at an election, as submitted by municipal election officials to the Secretary of State following an election, for the purpose of ascertaining and certifying the results of the election. The board shall canvass the returns for elections held in the State for the following offices:

A. President of the United States;

B. Governor;

C. United States Senator;

D. Representative to Congress;

E. State Senator; and

F. Representatives to the Legislature.

**2.** **Meetings.**  The board, for the purpose of canvassing the returns for the elections listed in subsection 1, shall meet at the office of the Secretary of State on or before the 10th day after an election. The Secretary of State shall appoint the day of the meeting and notify the members of the board. The board is authorized to meet as often as necessary up to the 20th day after the election.

**3.** **Quorum.**  Three members of board constitute a quorum. Any action of the board requires a quorum.

**§****873.** **Certification of election**

The board shall meet to canvass any general or special election for the offices listed in section 871, subsection 1.

**1.** **Statement of certification.**  Upon completion of canvassing pursuant to which 3 or more members of the board accept the submitted or corrected election returns as accurate, the board shall prepare a statement of certification that includes:

A. The number of individuals who cast a vote for that office; and

B. The number of votes received by each candidate per municipality.

**2.** **Board may order a recount.**  If 3 or more members of the board determine that the returns submitted by municipal election officials are not accurate, the board may order a recount of all the ballots cast in the electoral district for that office or ballots cast in specific municipalities within that electoral district for that office. A recount ordered by the board must be conducted in the same manner as provided by section 737-A, subsections 3 to 10 and in accordance with applicable rules adopted pursuant to section 737-A, subsection 12.

**SUMMARY**

This bill establishes the Board of Canvassers to canvass the election returns for general and special elections for the offices of President of the United States, United States Senator, Representative to Congress, Governor, Representative to the Legislature and State Senator. As used in the bill, "canvassing" means examining the returns submitted to the Secretary of State by municipal election officials. The board consists of 4 members, equally representing the 2 political parties holding the largest number of seats in the Legislature. The board is charged with submitting a statement of certification to the Governor when 3 or more members of the board agree that the returns submitted to the Secretary of State are accurate. The board may order a recount of the entire electoral district or of a specific municipality within that district if 3 or more members determine that the returns from that district are not accurate.