

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-FIVE

H.P. 368 - L.D. 600

**An Act to Initiate Recounts in Tied Elections**

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

**Sec. 1. 21-A MRSA §732, first ¶**, as enacted by PL 1985, c. 161, §6, is amended to read:

When there is an apparent tie vote, the Secretary of State shall automatically initiate a recount. If a recount confirms a tie vote, the following provisions apply.

**Sec. 2. 21-A MRSA §737-A, 3rd ¶**, as amended by PL 2019, c. 320, §16, is further amended to read:

A Any candidate who is the apparent loser and other than the apparent winner who desires a recount must file with the Secretary of State a written request for a recount within 5 business days after the election, except that in an election determined by ranked-choice voting, only a candidate who received one of the top 3 rankings at the end of the penultimate round of ranked-choice counting may request a recount. The recount is held under the supervision of the Secretary of State, who shall allow the candidate's representatives or counsel to recount the ballots. The candidate may not act as a counter of ballots.

**Sec. 3. 30-A MRSA §2528, sub-§10**, as amended by PL 2021, c. 564, §1, is further amended to read:

**10. Election by plurality vote; tie vote.** Unless otherwise provided for at a municipal meeting held at least 180 days before the election, the provisions of this subsection apply. Election must be by plurality vote. In the case of a tie vote, the municipal clerk shall automatically initiate a recount. If a recount confirms a tie vote, the meeting must be adjourned to a day certain, when ballots are again cast for the candidates tied for the office in question, unless all but one tied candidate withdraw from a subsequent election by delivering written notice of withdrawal signed by the candidate and notarized to the municipal offices within the 7-day period following the election. After the 7-day period has expired, the municipal officers shall call a run-off election between the remaining candidates by posting a warrant in the manner required for calling a town meeting. If only one candidate remains, that candidate is declared the winner and sworn into office.

If the meeting is adjourned sine die before a tie vote is resolved or the tie vote is discovered after the meeting adjourns sine die and more than one candidate remains, a new meeting must be called to conduct a run-off election by the method described in this subsection.