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H.P. 1106

House of Representatives, April 14, 2021

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

Received by the Clerk of the House on April 12, 2021. Referred to the Committee on Veterans and Legal Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

ROBERT B. HUNT
Clerk

Presented by Representative KINNEY of Knox.
Cosponsored by Representative: POIRIER of Skowhegan.

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

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

3 **§31-D.**

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

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

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

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

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

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

23 **SUBCHAPTER 7**

24 **BOARD OF CANVASSERS**

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

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

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

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

1 the Governor shall appoint one individual from the list of 3 individuals nominated by each
2 political party to a position on the board.

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

10 **§872. General provisions**

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

16 A. President of the United States;

17 B. Governor;

18 C. United States Senator;

19 D. Representative to Congress;

20 E. State Senator; and

21 F. Representatives to the Legislature.

22 **2. Meetings.** The board, for the purpose of canvassing the returns for the elections
23 listed in subsection 1, shall meet at the office of the Secretary of State on or before the 10th
24 day after an election. The Secretary of State shall appoint the day of the meeting and notify
25 the members of the board. The board is authorized to meet as often as necessary up to the
26 20th day after the election.

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

29 **§873. Certification of election**

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

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

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

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

37 **2. Board may order a recount.** If 3 or more members of the board determine that the
38 returns submitted by municipal election officials are not accurate, the board may order a
39 recount of all the ballots cast in the electoral district for that office or ballots cast in specific
40 municipalities within that electoral district for that office. A recount ordered by the board

1 must be conducted in the same manner as provided by section 737-A, subsections 3 to 10
2 and in accordance with applicable rules adopted pursuant to section 737-A, subsection 12.

3 **SUMMARY**

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