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Testimony of Rep. Marc Malon

LD 600, An Act to Initiate Recounts in Tied Elections *Before the Joint Standing Committee on Veterans and Legal Affairs*

Senator Hickman, Representative Supica and honorable colleagues on the Veterans and Legal Affairs Committee, I am Marc Malon, and I proudly represent House District 133, which is a portion of the great City of Biddeford. Today I am presenting my bill, **LD 600, An Act to Initiate Recounts in Tied Elections**.

I view this primarily as a clean-up bill. As you know, this past November one of the races for the Maine House resulted in an exact tie, which is an extraordinarily rare result. One of the candidates then requested a recount, and the Secretary of State's office executed the recount well, which should come as no surprise. After the recount concluded, a winner was certified: by one vote.

This all worked well. But I was surprised when the League of Women Voters approached me with a question: what would have happened if neither candidate requested a recount? This question exposed a gap in the statute. If no candidate requested a recount, a recount could not happen. If there is no recount, the Secretary of State would notify the relevant body that there was a tie and that no one had requested a recount. It would be up to that body to decide whether they agree it was a tie and if a special election was necessary.

LD 600 cleans up this gap in statute, so that in the event of a tie, a recount is automatically ordered without a candidate needing to request it. It also cleans up the statute for municipal races which are not overseen by the Secretary of State so that an automatic recount would happen for any secret ballot election at the local level.

Recounts are important in a democracy to ensure that voter intent is recognized, and that the outcome of an election is fully accurate. All of my cosponsors for this bill are colleagues who

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faced recounts in their own elections last year. This bill will ensure that there are provisions in place to account for the rare but very real scenario of an exact tie.

Finally, the Secretary of State's office reached out to me with a small but important suggested amendment: that in line 8 of the bill the term "declared winner" be replaced with the word **"apparent winner,"** consistent with terminology used elsewhere. I support this change, and thus I urge you to vote Ought to Pass as Amended on LD 600.

I welcome any questions you might have. Thank you for your time.