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JOINT STANDING COMMITTEE ON VETERANS AND LEGAL AFFAIRS

Testimony of Shenna Bellows, Secretary of State
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Testifying in favor

L.D. 600 "An Act to Initiate Recounts in Tied Elections"

Senator Hickman, Representative Supica and Members of the Joint Standing Committee on Veterans and Legal Affairs, my name is Shenna Bellows, I live in Manchester, and I am the Secretary of State. I am speaking today in favor of L.D. 600.

Under current Maine law, there are no automatic recounts. Not even in the case of an apparent tie. Current law states:

When there is a tie vote, the following provisions apply.

- 1. Primary election.** In a primary election, the Secretary of State shall notify each person involved in the tie to be present at the Secretary of State's office at a certain time. At that time, the Secretary of State shall select the nominee publicly by lot.
- 2. Other elections.** In any other election, the Governor shall issue a proclamation under section 366 declaring the tie and ordering a special election between the persons tied.
 - A. If there is a tie vote for presidential electors, the Governor shall convene the Legislature by proclamation. The Legislature by joint ballot of the members assembled in convention shall determine which are elected.
 - B. This subsection does not apply to the election of the following offices which are governed by the Constitution of the State of Maine or the Constitution of the United States: United States Senator, Representative to Congress, Governor and members of the Legislature.
 - C. If there is a tie vote for State Senator or Representative to the Legislature as finally determined by the proper House under the Constitution of Maine, Article IV, Part Third, Section 3, the Governor shall issue a proclamation under section 366 declaring the tie and ordering a special election between the persons tied.

This is not a section of law many of us were particularly familiar with until last fall, when there was an apparent tie in a legislative race. In reviewing the section, it became clear to us all that there was a chance that the race could go to a special election if neither candidate requested a recount to see if there was indeed a winner. What would have happened is that we would have notified the House of

Representatives of the tie and that no one had requested a recount. Then, it would have been up to that body to decide whether or not they agreed it was a tie and whether a special election was necessary.

Instead, in that case, Representative Lanigan did request a recount so that situation was avoided, but it may not happen the next time there is an apparent tie. If both candidates or their parties feel that they may be more successful in a special election, it may result in no recount being asked for to confirm the will of the voters in the initial election. This does not, to me, feel right or the best use of state and local resources.

For those reasons, I encourage the committee to support L.D. 600 so that the Secretary of State's office would initiate recounts in the case of an apparent tie.

I also appreciate the sponsor's inclusion of a suggested amendment to replace "declared winner" with "any candidate other than the apparent winner of a race" in his testimony. We believe this would more accurately achieve the goals of this legislation, as recounts are generally scheduled when a race has an apparent outcome, rather than a declared outcome.

Thank you for the opportunity to testify, and I am happy to answer any questions you may have.