



TO: The Honorable Craig Hickman
The Honorable Laura Supica, Co-Chairs
Members of the Joint Standing Committee on Veterans and Legal Affairs

DATE: March 3 , 2025

RE: LD 600 - An Act to Initiate Recounts in Tied Elections

Good morning Senator Hickman, Representative Supica, and members of the Joint Standing Committee on Veterans and Legal Affairs,

My name is Debra McDonough, and I'm a resident of Scarborough. I'm here today as a volunteer with the League of Women Voters of Maine to testify *in support of* LD 600.

The League of Women Voters of Maine is a nonpartisan political organization that has been working for over 100 years to encourage informed and active participation in government, to increase understanding of major public policy issues, and to influence public policy through education and advocacy. We never support or oppose any political party or candidate.

While elections rarely result in a tie vote, it does happen. Just last year, there was an apparent tie in House District 141, with the final outcome determined in a recount. We were concerned to learn that if the candidates hadn't requested the recount, the Secretary of State would have been required to schedule a special election – without first having an opportunity to break or confirm the apparent tie through the recount procedure. In such cases, we believe that a recount is in the public interest, and that while most tied candidates will request a recount there is no reason to make a do-over the default option. This bill would ensure that tied votes are subject to an automatic recount, both in state elections, as regulated under Title 21-A, and also in any of the municipal elections conducted under Title 30-A.

While we recognize that a recount rarely overturns the apparent outcome of an election, we also know that recounts routinely identify a handful of additional votes on ballots with nonstandard markings. For example, when a voter attempts to correct an error by crossing out their first mark and filling in another oval, an electronic scanner will interpret these marks as an overvote, which cannot be counted for either candidate. During a recount, human ballot readers may be able to determine the voter's intent and include a vote like this in the total count. The recount of the race in House District 141 identified just three additional votes – not enough to overturn even a tight margin of victory, but plenty to resolve an apparent tie.

This bill also suggests amending the description of which candidates have standing to request a recount, which may only be relevant if the committee objects to the concept of an

automatic recount for these tied races. Under Title 21-A, a recount can be requested by “a candidate who is the apparent loser”, and as we considered the District 141 tie, it wasn't immediately clear to us how this description would apply to tied candidates. We knew that neither of the tied candidates could be described as the winner, but did that imply that they were both apparent losers? While we fully support the Secretary of State’s interpretation that both candidates had standing to request a recount, we would prefer to see this provision clarified. For this reason, we support replacing the language in Title 21-A with language on municipal elections found in Title 30-A. The amended language simply flips the concept, empowering “any candidate who is not the winner” to request a recount.

The League supports this bill because we believe that the voters who participate in a regularly scheduled election always deserve a full evaluation of the votes already cast before a tie is resolved by some other means – and in particular through an expensive special election – and we want to ensure that state statute is clear on this issue.

I appreciate the opportunity to testify and am happy to take questions from the committee.