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JOINT STANDING COMMITTEE ON VETERANS AND LEGAL AFFAIRS

Testimony of Shenna Bellows, Secretary of State
Department of the Secretary of State

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Testifying in favor of

L.D. 1289 "An Act to Amend the Election Recount Process"

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 testifying in favor of L.D. 1289.

I have long said that Maine's elections are safe, secure, and accurate. Last November's General Election provided an excellent opportunity to demonstrate that last point when a record eleven legislative recounts were requested, along with a recount of the Second Congressional District.

The requested recounts ranged in apparent vote percentage difference from 0.0% to 7.1%. Of every recount that was conducted – two requests were withdrawn, which had apparent vote percentage differences of 0.93% and 1.68% – every recount verified the accuracy of the tabulators. The only post-recount result which differed from the unofficial, preliminary result was House District 141, where an apparent tie was found to be a one vote win for Representative Lanigan.

As we conducted more and more recounts throughout the month of November, it became clearer and clearer to my team and me that the thresholds for what amount of deposit is required should be reigned in. Recounts demand staff time and rental costs and must occur at a time when the Elections Division staff are already busy with post-election work.

Only two of the eleven legislative recount requests required any deposit from the apparent losing candidate. For the one legislative recount above that threshold that was conducted, no further payment than the \$2,500 deposit was required, despite about a dozen staff members spending a morning conducting a recount in a House race with an apparent 362 vote differential. This is not good stewardship of state resources.

L.D. 1289 also makes clear in state law a candidate who requests a recount – so a candidate who is an apparent losing candidate – and the result is not overturned, is responsible for paying the actual cost of the recount. In writing this testimony it became apparent that an additional clause on page 1, line 32 is necessary to specify that only candidates who must pay a deposit would be required to pay the cost of the recount. Our intent was that candidates whose unofficial results were close enough not to require a deposit would not be required to pay for the cost of the recount. We offer this addition as a friendly amendment.

For deposits that are larger than the actual cost of conducting a recount, the excess will be returned to the requesting candidate, should the recount not overturn the result. L.D. 1289 does not change that if a recount does overturn a result, the deposit is returned to the requesting candidate.

If the provisions in L.D. 1289 had been in place last fall, two more of the legislative races would have required deposits, and the state would have been reimbursed for the actual cost of the recount for the one that was conducted. (The other request was withdrawn.) Additionally, the state would have been reimbursed for the actual cost of conducting the Second Congressional District race, rather than the portion of the cost which had historically been charged.

Thank you for the opportunity to provide this testimony, I encourage you to support L.D. 1289 with this proposed amendment, and I am happy to answer any questions you may have.