



132nd MAINE LEGISLATURE

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Legislative Document

No. 600

H.P. 368

House of Representatives, February 25, 2025

An Act to Initiate Recounts in Tied Elections

Received by the Clerk of the House on February 20, 2025. 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 MALON of Biddeford.
Cosponsored by Senator TIPPING of Penobscot and
Representatives: BUNKER of Farmington, FROST of Belgrade.

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

2 **Sec. 1. 21-A MRSA §732, first ¶**, as enacted by PL 1985, c. 161, §6, is amended
3 to read:

4 When there is an apparent tie vote, the Secretary of State shall automatically initiate a
5 recount. If a recount confirms a tie vote, the following provisions apply.

6 **Sec. 2. 21-A MRSA §737-A, 3rd ¶**, as amended by PL 2019, c. 320, §16, is further
7 amended to read:

8 A Any candidate who is the apparent loser and other than the declared winner who
9 desires a recount must file with the Secretary of State a written request for a recount within
10 5 business days after the election, except that in an election determined by ranked-choice
11 voting, only a candidate who received one of the top 3 rankings at the end of the penultimate
12 round of ranked-choice counting may request a recount. The recount is held under the
13 supervision of the Secretary of State, who shall allow the candidate's representatives or
14 counsel to recount the ballots. The candidate may not act as a counter of ballots.

15 **Sec. 3. 30-A MRSA §2528, sub-§10**, as amended by PL 2021, c. 564, §1, is further
16 amended to read:

17 **10. Election by plurality vote; tie vote.** Unless otherwise provided for at a municipal
18 meeting held at least 180 days before the election, the provisions of this subsection apply.
19 Election must be by plurality vote. In the case of a tie vote, the municipal clerk shall
20 automatically initiate a recount. If a recount confirms a tie vote, the meeting must be
21 adjourned to a day certain, when ballots are again cast for the candidates tied for the office
22 in question, unless all but one tied candidate withdraw from a subsequent election by
23 delivering written notice of withdrawal signed by the candidate and notarized to the
24 municipal offices within the 7-day period following the election. After the 7-day period
25 has expired, the municipal officers shall call a run-off election between the remaining
26 candidates by posting a warrant in the manner required for calling a town meeting. If only
27 one candidate remains, that candidate is declared the winner and sworn into office.

28 If the meeting is adjourned sine die before a tie vote is resolved or the tie vote is discovered
29 after the meeting adjourns sine die and more than one candidate remains, a new meeting
30 must be called to conduct a run-off election by the method described in this subsection.

31 **SUMMARY**

32 This bill requires the Secretary of State to automatically initiate a recount when there
33 is an apparent tie vote in an election. It allows any candidate other than the declared winner
34 to file a request for a recount with the Secretary of State. It requires the municipal clerk to
35 automatically initiate a recount in the case of a tie vote when a secret ballot is used for the
36 election of town officials or for municipal referenda elections at a town meeting.