
By: Delegate Getty

Introduced and read first time: February 1, 1996
Assigned to: Commerce and Government Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 27, 1996

CHAPTER ____

1 AN ACT concerning

2 **Election Laws - Recounts**

3 FOR the purpose of authorizing recounts in general or special elections; specifying that a
4 petition for recount for a statewide or other multijurisdiction office may be filed
5 with the State Administrative Board of Election Laws; directing the State Board to
6 coordinate a multijurisdiction recount; specifying that a judge of the Circuit Court
7 for Anne Arundel County shall set the bond in a multijurisdiction recount; and
8 generally relating to recounts in general or special elections.

9 BY repealing and reenacting, with amendments,
10 Article 33 - Election Code
11 Section 13-1, ~~13-2~~, 13-3, and 13-7 to be under the amended subtitle "Contested
12 ~~Nominations at~~ Elections"
13 Annotated Code of Maryland
14 (1993 Replacement Volume and 1995 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article 33 - Election Code**

18 Contested ~~Nominations at~~ [Primary] Elections

19 13-1.

20 (A) Within ten days after the day of any primary, GENERAL, OR SPECIAL election,
21 or within two days after the results of the canvass are declared official, any candidate for
22 a nomination or for delegate to any convention or for member of a central committee or
23 position who has been defeated on the face of the returns may petition the board for an

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1 appeal from and review of the action and decision of the judges in counting the ballots
2 and for a recanvass and recount of the ballots cast in any or all of the precincts of any
3 county or Baltimore City or ward or legislative district or political division therein. ~~If the~~
4 ~~candidate was a candidate for a State office or for Congress or for judge he may petition~~
5 ~~for said recount in two or more counties or legislative districts or wards or precincts of~~
6 ~~Baltimore City simultaneously.~~

7 (B) IF THE ELECTION IS FOR A STATEWIDE OFFICE, OR FOR AN OFFICE TO
8 REPRESENT A DISTRICT ENCOMPASSING MORE THAN ONE COUNTY, THE
9 PETITIONER MAY FILE:

10 (1) SEPARATE PETITIONS IN ONE OR MORE COUNTIES
11 SIMULTANEOUSLY; OR

12 (2) A SINGLE PETITION WITH THE STATE ADMINISTRATIVE BOARD OF
13 ELECTION LAWS TO CONTEST THE ELECTION IN THE ENTIRE AREA THAT THE
14 OFFICE REPRESENTS.

15 (C) IN A CONTEST FILED PURSUANT TO SUBSECTION (B)(2) OF THIS SECTION,
16 THE STATE BOARD SHALL COORDINATE THE REVIEW, RECOUNT, AND RECANVASS
17 BY THE LOCAL BOARDS.

18 13-2.

19 (A) The petition shall be filed with a bond and an affidavit or affidavits, made by
20 officers of election or by watchers, challengers or other persons, setting forth acts of
21 fraud, mistake, error or irregularity in making the count or returns by the judges, or
22 setting forth that some of the returns and tally sheets of the primary election show on
23 their faces ambiguity, error, fraud, or mistake or miscalculation by the judges.

24 (B) (1) A judge of the circuit court for the county shall determine and set bond
25 to be filed by the petitioner sufficient to pay the reasonable costs of said appeal, recount,
26 review and recanvass.

27 (2) IN A CONTEST FILED PURSUANT TO § 13-1(B)(2) OF THIS SUBTITLE, A
28 JUDGE OF THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY SHALL DETERMINE
29 AND SET THE BOND.

30 13-3.

31 The boards shall have jurisdiction and power to hear and determine any appeals, to
32 review and correct the action of the judges in their respective jurisdictions and to
33 recanvass, recount and certify the result of any primary, GENERAL, OR SPECIAL election.
34 For all the purposes of the review, recount and recanvass, the board shall act as and be
35 judges for the counting of ballots, within their respective geographical jurisdictions.

36 13-7.

37 (a) Whenever any review, recount and recanvass is completed, the board shall
38 correct the returns and certificates which may have been made of the primary, GENERAL,
39 OR SPECIAL election by any canvassing board.

1 (b) When a petition and affidavit or affidavits and bond for recounting are filed
2 before the completion of any canvass by the canvassing board of any county or
3 municipality thereof, such board shall complete its canvass of the original returns from
4 each polling place but shall then recess until the recount and recanvass herein provided
5 for is completed. Thereupon the board shall make its certificate conform to the action
6 and finding and to the certificate given by the board sitting as judges on the recount or
7 counterappeal.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 1996.