

HOUSE BILL 122

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1998 Regular Session
8r0640
CF 8r1222

By: **Delegates Arnick and Getty (Commission to Revise the Election Code)**

Introduced and read first time: January 16, 1998

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Election Laws - Recount - Waiver of Cost**

3 FOR the purpose of providing for an automatic recount of the votes cast in certain
4 elections under certain circumstances; and providing for a delayed effective
5 date.

6 BY repealing and reenacting, with amendments,
7 Article 33 - Election Code
8 Section 12-106
9 Annotated Code of Maryland
10 (1997 Replacement Volume and 1997 Supplement)
11 (As enacted by Chapter _____ (S.B. _____/H.B. _____)(8r0487) of the Acts of the
12 General Assembly of 1998)

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

15 **Article 33 - Election Code**

16 12-106.

17 (a) In this section, "petitioner" includes a counterpetitioner.

18 (b) (1) Except as provided in paragraph (2) of this subsection, each
19 petitioner shall pay the cost of a recount requested under this subtitle and the
20 petitioner's bond is liable for the cost.

21 (2) The petitioner is not liable for the costs of the recount if:

22 (i) The outcome of the election is changed; [or]

23 (ii) The petitioner has gained a number of votes, for the petitioner's
24 candidacy or for or against the question that is the subject of the petition, equal to 2%
25 or more of the total votes cast for the office or on the question, in all precincts being
26 recounted; OR

1 (III) THE MARGIN OF DIFFERENCE IN THE NUMBER OF VOTES
2 RECEIVED BY AN APPARENT WINNER AND THE LOSING CANDIDATE WITH THE
3 HIGHEST NUMBER OF VOTES FOR AN OFFICE IS 0.1% OR LESS.

4 (c) If the petitioner is not liable for the costs of the recount as provided in
5 subsection (b) of this section, the costs shall be paid by the county in which the
6 recount is held.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
8 effect January 1, 1999.