

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

Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 24, 1998

CHAPTER _____

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 (As enacted by Chapter _____ (S.B. 118/H.B. 127) of the Acts of the General
13 Assembly of 1998)

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

16 **Article 33 - Election Code**

17 12-106.

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

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

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

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

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

7 (III) 1. THE MARGIN OF DIFFERENCE IN THE NUMBER OF VOTES
8 RECEIVED BY AN APPARENT WINNER AND THE LOSING CANDIDATE WITH THE
9 HIGHEST NUMBER OF VOTES FOR AN OFFICE IS 0.1% OR LESS OF THE TOTAL VOTES
10 CAST FOR THOSE CANDIDATES; OR

11 2. IN THE CASE OF A QUESTION, THE MARGIN OF
12 DIFFERENCE BETWEEN THE NUMBER OF VOTES CAST FOR AND THE NUMBER CAST
13 AGAINST THE QUESTION IS 0.1% OR LESS.

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

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