

SENATE BILL 122

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1998 Regular Session  
8r1222  
CF 8r0640

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By: **Senators Collins and Craig (Commission to Revise the Election Code)**

Introduced and read first time: January 21, 1998

Assigned to: Economic and Environmental Affairs

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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.