

challengers or other persons, setting forth acts of fraud, mistake, error or irregularity in making said count or returns by the judges of election, or setting forth that some of the returns and tally-sheets of said primary election show on their faces ambiguity, error, fraud, or mistake or miscalculation by the judges of election. If no such affidavit is filed with said petition, the petitioner in lieu thereof may elect to give bond in an amount to be fixed in each instance and approved by a Judge of the Supreme Bench of Baltimore City or of the Circuit Court for the county, as the case may be, to pay the reasonable costs of said appeal, recount, review and recanvass.

88. Powers of Supervisors. *The Supervisors of Elections of Baltimore City and of the several counties of the State shall have jurisdiction and power to hear and determine said appeals, to review and correct the action of the judges of election in their respective jurisdictions and to recanvass, recount and certify the result of said primary election. For all the purposes of said review, recount and recanvass, the Supervisors of Elections shall act as and be judges of election for counting said ballots, within their respective geographical jurisdictions.*

89. Procedure for Recount. (a) *Records Produced.* *The Supervisors after receiving such a petition shall produce before them the ballot boxes, returns, tally-sheets and paraphernalia of said election; or where voting machines are used shall ascertain the votes recorded thereon in the manner provided in Section 141 of this Article. They shall proceed forthwith in a summary way without answer, pleading or technicality and without requiring any evidence to be taken or proof submitted, to review the actions of the judges of election and to recount the ballots in those precincts named in said petition in said county, city, legislative district, ward or other political subdivision thereof, as the case may be, in which paper ballots are used.*

(b) *Recount.* *Said review, recount and recanvass shall be had with all possible expedition and dispatch and in preference to all other business, under such mode of procedure as the Supervisors of Elections shall prescribe, by means of tellers appointed by them on the recommendation of and with equal representation to the opposing candidates. The said Supervisors shall pass upon and decide whether any ballot contested by the teller for either side shall be rejected or counted. They shall sit for said purpose in the office of the Supervisors of Elections of Baltimore City or of the IN THE COURT ROOM OF THE Circuit Court for the county, as the case may be, every day, including Saturdays at least from 9 o'clock A. M. to 5 o'clock P. M., with one hour's intermission for lunch, until said review, recount and recanvass is completed. Said recount shall be had in the presence of the candidates or their representatives and of the press and general public.*

90. Costs. *The petitioner shall pay the cost of the recount and recanvass in the county, municipality, legislative district or other district or political division, and his bond shall be liable therefor, unless the result of the election in the unit being or ordered recounted is changed or unless the petitioner has gained a number of votes over his principal opposing candidate equal to two per centum (2%) or more of the total votes cast in the unit being recounted. In either of such latter events, the costs shall be awarded against the municipality or county in which the recount is held.*