

Count of Ballots.**71.**

See notes to section 73.

73.

This section and sections 71, 74, 75, 76 and 77 referred to as showing the care taken by the legislature to secure honest counts and returns and in deciding that the canvassers may not give a candidate more votes than the four certificates signed by the six election officials show he had, merely because they find three more marks on one of the two tally sheets. The presumption is that the clerks performed the duty required of them by this section, *i. e.*, compared their tallies and ascertained the total number of votes for each candidate. *Canvassers of Election v. Noll*, 127 Md. 305.

74.

See notes to section 73.

Election Returns.**75.**

The refusal of two judges and one clerk to sign the usual return, does not invalidate the returns when such judges and clerk sign an alternative return which is authenticated in accordance with this section. Purpose of the portion of this section providing for an alternative return. When statutory provisions relating to elections are mandatory and when directory. See notes to section 82. *Price v. Ashburn*, 122 Md. 522.

See notes to section 73.

76.

See notes to section 73.

77.

See notes to sections 73 and 82.

1904, art. 33, sec. 76. 1896, ch. 202, sec. 71. 1906, ch. 544, sec. 76. 1916, ch. 116.

78. The Board of Supervisors of Election, upon receiving a ballot box and the key thereof, shall note the condition of the seal or stamp on each box, and make an entry of the facts touching the same, in a book to be kept by them, together with the name of the officer who delivered the box. They shall deliver all the ballot boxes so sealed, as aforesaid, to the clerk of the Circuit Court for their respective counties, or to the Board of Police Commissioners of Baltimore City, as the case may be, who shall put them in a secure place to which the public shall in no case have access, and shall safely keep them for the space of four months from the date of such delivery, at which time, unless previously notified to produce the same to be used in evidence in some contested election or judicial or legislative investigation then pending, said Board of Supervisors shall destroy, or cause to be destroyed said ballots and poll books, also all of the said tallies and statements or returns, and shall record in the same book a certificate of the fact.

See notes to section 82.

See notes to this section in volumes 1 and 3 of the Annotated Code.