

12-106.

(a) In accordance with regulations adopted by the State Board, the local board shall:

(1) Conduct the recount and certify the official result of the election or question which is the subject of the recount; and

(2) Ensure the public's ability to be present while the recount is conducted.

(b) The State Board shall monitor and support the work of any local board conducting a recount to ensure compliance with this subtitle.

(c) The State Board shall establish a procedure that will allow petitioners and counterpetitioners to request that a recount be terminated prior to its completion.

(d) When a recount is completed, the local board, and when appropriate the State Board, shall correct the primary, general, or special election returns and certificates that were made by a canvassing board.

REVISOR'S NOTE: This section formerly was Art. 33, § 12-106.

No changes are made.

12-107.

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

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

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

(i) The outcome of the election is changed;

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

(iii) 1. The margin of difference in the number of votes received by an apparent winner and the losing candidate with the highest number of votes for an office is 0.1% or less of the total votes cast for those candidates; or

2. In the case of a question, the margin of difference between the number of votes cast for and the number cast against the question is 0.1% or less.

(c) If the petitioner is not liable for the costs of the recount as provided in subsection (b) of this section, a county shall pay the costs of the recount in that county.

REVISOR'S NOTE: This section formerly was Art. 33, § 12-107.

No changes are made.