

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1998.

Approved May 21, 1998.

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**CHAPTER 666**

**(House Bill 122)**

AN ACT concerning

**Election Laws - Recount - Waiver of Cost**

FOR the purpose of providing for an automatic recount of the votes cast in certain elections under certain circumstances; and providing for a delayed effective date.

BY repealing and reenacting, with amendments,

Article 33 - Election Code

Section 12-106

Annotated Code of Maryland

(1997 Replacement Volume and 1997 Supplement)

~~(As enacted by Chapter \_\_\_\_\_ (S.B. \_\_\_\_\_/H.B. \_\_\_\_\_)(81r0487) of the Acts of the~~

(As enacted by Chapter 585 (S.B. 118/H.B. 127) of the Acts of the General Assembly of 1998)

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

**Article 33 - Election Code**

12-106.

(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; [or]

(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