

**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. \_\_\_\_\_) (Slr0487) of the Acts of the~~

(As enacted by Chapter \_\_\_\_\_ (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

(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, the costs shall be paid by the county in which the recount is held.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 1999.