

penalty is placed and who shall not be subject to prosecution for selling or delivering his vote or refraining from voting, and the other half to the State of Maryland.

Cited but not construed in *Cochran v. State*, 119 Md. 547.

An. Code, sec. 199B. 1912, ch. 2, sec. 160Y.

217. Within seven days after the day of any primary election any candidate for a nomination or for delegate to any convention or for executive or member of any committee or position who has been defeated on the face of the returns may petition the Supervisors of Elections of Baltimore City or of any county of the State for an appeal from and review of the action and decision of the judges of election in counting the ballots and for a recanvass and recount of the ballots cast in any or all of the precincts of said county or city or ward or legislative district or political division therein or if said candidate was running for a State office or for Congress or for judge he may petition for said recount in two or more counties or legislative districts or wards or precincts in Baltimore City simultaneously.

The Supervisors of Elections of Baltimore City and of the several counties of the State are hereby given 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 said result of said primary election. And for all the purposes of said review, recount, recanvass, etc., the said Supervisors of Elections shall act and be judges of election for counting said ballots acting as such in the premises within their respective geographical jurisdictions.

Upon the filing of said petition as aforesaid accompanied by affidavits made by officers of election or by watchers, challengers or by 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 face ambiguity, error, or fraud, mistake or miscalculation by the judges of election, or if no such affidavits are filed with said petition and the petitioner in lieu of such affidavits offers to give and does give bond, in 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. The said Supervisors shall in either event produce before them the ballot boxes, returns, tally sheets and paraphernalia of said election and 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 Elections and recount the ballots in the precincts named in said petition in said county, city, legislative district, ward or other political division thereof as the case may be.

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 to pass upon and