

117.275 Counting and certification of votes -- Return of keys and machines -- Return of ballot box, ballot stubs, spoiled, and unvoted ballots -- Authorized representatives and news media representatives to witness vote count.

- (1) At the count of the votes in any precinct, any candidate or slate of candidates and any representatives to witness and check the count of the votes therein, who are authorized to be appointed as is provided in subsection (9) of this section, shall be admitted and be permitted to be present and witness the count.
- (2) As soon as the polls are closed, and the last voter has voted, the judges shall immediately lock and seal the voting equipment so that the voting and counting mechanism will be prevented from operation, and they shall sign a certificate stating:
 - (a) That the voting equipment has been locked against voting and sealed;
 - (b) The number of voters, as shown on the public counters;
 - (c) The number registered on the protective or accumulative counter or device, if any; and
 - (d) The number or other designation of the voting equipment, which certificate shall be returned by the judges of election to the officials authorized by law to receive it. The judges shall compare the number of voters, as shown by the counter of the voting equipment, with the number of those who have voted as shown by the protective or accumulative counter or device, if any.
- (3) Where voting equipment is used which does not print the candidates' names along with the total votes received on a general return sheet or record for that equipment, the procedure to be followed shall be as follows:
 - (a) The judges, in the presence of the representatives mentioned in subsection (1) of this section, if any, and of all other persons who may be lawfully within the polling place, shall give full view of all the counter numbers;
 - (b) The judges shall enter, in ink, the total votes cast for each candidate, and slate of candidates, and for and against each question on the return sheets; and
 - (c) Each precinct election officer shall sign the return sheets, and a copy of the return sheets shall be posted on the precinct door.
- (4) Where voting equipment is used that prints the candidates' names along with the total votes received on a return sheet or record for that equipment, the precinct election officers shall sign the return sheets or record for the voting equipment, which shall be posted on the door of the precinct.
- (5) If any officer shall decline to sign the return sheets, he or she shall state the reason in writing, and a copy thereof, signed by the officer, shall be enclosed with the return sheets.
- (6) Each of the return sheets, if applicable, and the record of the voting equipment shall be enclosed in an envelope. One (1) copy of the return sheets, if applicable, one (1) copy of the record of the voting equipment, and the write-in roll, if any write-in votes were cast in the precinct, shall be directed to the county board of elections of the county in which the election is being held. One (1) copy of the return sheets or

record of the voting equipment shall be given to the county clerk of the county in which the election is being held and to each of the local governing bodies of the two (2) dominant political parties, but a local governing body of a dominant political party may decline a copy of the precinct election return by filing a written declination with the county board of elections prior to the election, and upon this declination, a printed copy shall not be issued to the political party so declining. The declination on file shall be effective for that election and any subsequent elections until revoked by the local governing body of a dominant political party by filing a written revocation with the county board of elections. The envelope shall have endorsed thereon a certificate of the election officers, stating the number of the machine, the precinct where it has been used, the number on the seal, and the number on the protective or accumulative counter or device at the close of the polls.

- (7) Following the tabulation of all votes cast in the election, including absentee votes and write-in votes, the county board shall mail a copy of the precinct-by-precinct summary of the tabulation sheets showing the results from each precinct to the State Board of Elections and the county clerk shall mail or deliver the precinct signature rosters from each precinct to the State Board of Elections during the period established by KRS 117.355(3).
- (8) As soon as possible after the completion of the count, the two (2) judges shall return to the county board of elections the keys to the voting machine received and receipted for by them, and the county clerk in which the precinct is located shall have the voting machine properly boxed or securely covered and removed to a proper and secure place of storage.
- (9) In primaries, each candidate, slate of candidates, or group of candidates may designate to the county board of elections a representative to witness and check the vote count. In regular elections, the governing authority of each political party, each candidate for member of board of education, nonpartisan candidate, independent candidate, or independent ticket may designate a representative to the county board of elections to witness and check the vote count. The county board of elections shall authorize representatives of the news media to witness the vote count.
- (10) If supplemental paper ballots have been approved, as provided in KRS 118.215, after the polls are closed, the two (2) judges shall return to the county clerk's office the locked ballot box, all ballot stubs, spoiled ballots, and unvoted ballots at the same time as the tabulation of votes from the voting machine is delivered. The county clerk shall issue a receipt for the number of ballot stubs, unvoted ballots, spoiled ballots and the ballot box.
- (11) The county board of elections, or its designee, shall count and tally the paper ballots manually or with the use of tabulating equipment which does not involve an additional voting system. The results of the vote tally shall be certified by the county board of elections to the county clerk and to the Secretary of State.
- (12) The county board of elections shall authorize the candidates, slates of candidates, or their representatives, and representatives of the news media to be present during the counting of the paper ballots.

- (13) Except as otherwise required in this chapter that certain records and papers relating to specified elections be retained for twenty-two (22) months, the county clerk shall retain the voted paper ballots for twenty-two (22) months and the unvoted paper ballots for sixty (60) days after each election day, after which time they shall be destroyed in a manner to render them unreadable by the county board of elections if no contest or recount action has been filed.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 176, sec. 8, effective July 15, 2010. -- Amended 2008 Ky. Acts ch. 79, sec. 5, effective July 15, 2008; and ch. 129, sec. 4, effective July 15, 2008. -- Amended 2000 Ky. Acts ch. 122, sec. 1, effective July 14, 2000. -- Amended 1992 Ky. Acts ch. 288, sec. 36, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 48, sec. 30, effective July 13, 1990. -- Amended 1986 Ky. Acts ch. 470, sec. 15, effective July 15, 1986. -- Amended 1980 Ky. Acts ch. 14, sec. 1, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 384, sec. 249, effective June 17, 1978. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 9, effective March 19, 1977. -- Amended 1976 Ky. Acts ch. 130, sec. 1, effective June 19, 1976. -- Created 1974 Ky. Acts ch. 130, sec. 41, effective June 21, 1974.

Legislative Research Commission Note (7/15/2008). A reference to "subsection (7)" in subsection (1) of this statute has been changed in codification to "subsection (6)." 2008 Ky. Acts ch. 129, sec. 4, deleted a subsection from this statute, resulting in the renumbering of subsequent subsections, but did not make the necessary change to the internal reference in subsection (1). This oversight has been corrected by the Reviser of Statutes under the authority of KRS 7.136(1).

Legislative Research Commission Note (7/15/2008). This section was amended by 2008 Ky. Acts chs. 79 and 129, which are in conflict. Under KRS 446.250, Acts ch. 129, which was last enacted by the General Assembly, prevails.