

**120.195 Contest of election of Governor, Lieutenant Governor, or General Assembly member.**

- (1) No application to contest the election of a Governor, Lieutenant Governor, or member of the General Assembly shall be heard unless written notice, signed by the party contesting, is given. The notice shall state the grounds of the contest, and none other shall afterwards be heard as coming from that party, but the contestee may make defense without giving counternotice.
- (2) In the case of the Governor or Lieutenant Governor, the notice shall be given within thirty (30) days after the final action of the State Board of Elections. In the case of a member of the General Assembly, the notice shall be given within fifteen (15) days after the final action of the county board of elections or the State Board of Elections, whichever canvasses the returns.
- (3) Immediately after the notice, either party may proceed to take proof by depositions, under the same rules and regulations that govern the taking of depositions in actions in equity, except that no commission shall be required for taking a deposition out of the state. The depositions shall be sealed up by the officer taking them, and directed to the clerk of the Senate or clerk of the House, as the case may require. The depositions properly taken shall be read as evidence before the board or branch of the General Assembly having jurisdiction of the case, and the board or branch may call for and hear other proof. The taking of depositions to be used before a board or branch of the General Assembly shall close ten (10) days before the next meeting of the General Assembly, or, if in session when the notice is given, when the taking is ordered to close.
- (4) The costs of the proceeding shall be adjudged against the unsuccessful party, and a certificate thereof shall be given by the clerk of the Senate or the clerk of the House, as the case requires. A judgment for the costs may be obtained after five (5) days' notice in a Circuit Court.

**Effective:** July 14, 1992

**History:** Amended 1992 Ky. Acts ch. 288, sec. 55, effective July 14, 1992. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 138, effective January 2, 1978. -- Created 1974 Ky. Acts ch. 130, sec. 167.