

120.185 Recount of election of officers referred to in KRS 120.155.

- (1) Any candidate who was voted for at a regular election for any of the offices to which KRS 120.155 applies may request a recount of the ballots by filing a petition so requesting, with the same court that petitions of contest are required to be filed with, within ten (10) days after the day of the election, or, if the candidate is qualified to institute a contest proceeding under KRS 120.155, by including a request for a recount in his petition instituting the contest proceedings, but in the latter case the petition shall be filed within ten (10) days after the day of the election. Any candidate who is a contestee in a contest proceeding under KRS 120.155 may request a recount in his answer filed in the contest proceeding, but only if the answer is filed within ten (10) days after the day of election. If a request for a recount is made, the State Board of Elections or the county board of elections, whichever would issue the certificate of election shall be made a party defendant. The party requesting the recount shall execute bond with approved surety for the costs of the recount, in an amount to be fixed by the Circuit Judge. Upon the bond being filed, the clerk shall immediately notify the Circuit Judge of the request and the filing of the bond, and the judge shall at once enter an order directing the voting machines, ballots, boxes, and all papers pertaining to the election to be transferred to the Circuit Court, and fix a day for the recount proceedings to begin. A copy of the order shall be served upon the parties or their counsel in the same manner as notices are required to be served, which shall be deemed sufficient notice of the proceeding. On the day fixed, the court shall proceed to recount the ballots if their integrity is satisfactorily shown and shall complete the recount as soon as practicable, and file and enter of record the results thereof, and direct the state board or county board, whichever would issue the certificate of election to issue the same to the party entitled thereto as shown by the recount.
- (2) Any party may appeal from the judgment to the Court of Appeals, in the same manner as provided in KRS 120.075, all of the provisions of which statute shall be applicable.
- (3) If a proceeding for recount is asked and prosecuted in a contest proceeding, it shall not await the preparation or trial of the contest in the Circuit Court or in the Court of Appeals. The action of the courts shall be final, concluding the parties as to the question of a recount of the ballots, and certificates shall then be issued to the parties entitled thereto.

Effective: July 14, 1992

History: Amended 1992 Ky. Acts ch. 288, sec. 54, effective July 14, 1992. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 137, effective January 2, 1978. -- Created 1974 Ky. Acts ch. 130, sec. 166.