

**120.270 Judgment in contest or recount of election on public question -- Costs -- Appeal.**

- (1) If it appears in a proceeding instituted under KRS 120.250 that the result as certified is not correct, the correct result shall be ascertained and declared by the court and certified to the county board of election commissioners, and the judgment shall supersede the official returns. If it appears to the satisfaction of the court that the election, or the returns thereof, were materially affected by fraud, duress, bribery, intimidation or corrupt practices, the entire election and the returns thereof shall be declared void and ineffective for any purpose. Costs shall follow the judgment as in equity cases.
- (2) An appeal to the Court of Appeals may be prosecuted by the unsuccessful party in the same manner as in other contested election cases. No appeal shall lie from the recount of the ballots, but any questioned ballots may be made a part of the record and the ruling thereon by the Circuit Court may be reviewed, revised or reversed by the Court of Appeals.

**History:** Created 1974 Ky. Acts ch. 130, sec. 172.