

**120.280 Contest on constitutional convention or amendment, or statewide public question.**

- (1) Any elector who was qualified to and did vote on any constitutional convention, constitutional amendment, or statewide public question submitted to the voters of the state for their ratification or rejection may contest the election or demand a recount of the ballots by filing a petition, not more than fifteen (15) days after the official canvass and the announcement of the vote for the state by the State Board of Elections, with the clerk of the Franklin Circuit Court, which court shall have exclusive jurisdiction to hear and determine all matters in such cases. The petition shall set forth the grounds of the contest. The contestant may file with the clerk of the Franklin Circuit Court and the Secretary of State a notice of his intention to contest the election before the announcement of the official count by the State Board of Elections and thereupon the Secretary of State shall forthwith notify all the county boards of elections in the counties involved in the contest to hold the ballots cast at the election on the question subject to the order of the Franklin Circuit Court. The notice shall be served by the Secretary of State by mailing a true and certified copy of the notice of contest, and the order to hold the ballots subject to the order of the court, by certified mail, return receipt requested, to the sheriffs of the counties in question, and the sheriffs shall forthwith acknowledge receipt thereof.
- (2) The court shall, within five (5) days after the filing of the petition of contest, determine whether there are sufficient grounds stated to justify the contest, and shall thereupon require the contestants to give bonds for costs. All of the hearings relating to the contest shall be held in the courthouse of Franklin County.
- (3) The clerk of the Franklin Circuit Court shall cause a notice of the contest to be published pursuant to KRS Chapter 424, setting out the substance or the grounds of contest alleged by the contestants.
- (4) Any elector who participated in the election on the convention, amendment, or statewide public question may make himself a party as contestee in the action by filing his petition to be made a party not later than five (5) days after the contest is instituted, and by giving bond of the costs as required of the contestant. If no elector makes himself a party to the contest, the Commonwealth's attorney for the Franklin Circuit Court shall attend the trial of the cause, and he may file motions and pleadings in the cause on behalf of the Commonwealth to insure a fair and honest determination of the contest.
- (5) All laws relating to contested elections for state offices shall apply with equal force to contests of the character contemplated by this section, except as otherwise provided in this section and in KRS 120.290.

**Effective:** July 14, 1992

**History:** Amended 1992 Ky. Acts ch. 288, sec. 56, effective July 14, 1992. -- Amended 1980 Ky. Acts ch. 114, sec. 16, effective July 15, 1980. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 141, effective January 2, 1978. -- Created 1974 Ky. Acts ch. 130, sec. 173.