

**118.425 Issuance of certificates of election -- Tie votes.**

- (1) The State Board of Elections shall issue certificates of election where the successful candidate was voted for by the state at large, was voted for by a district greater than one (1) county, or was a candidate for member of Congress or the General Assembly.
- (2) Except as provided in subsection (3) of this section, not later than the second Monday after the election, the county board of elections shall issue certificates of election where the successful candidate was voted for by the electors of one (1) county, or of a district less than one (1) county, except members of Congress, members of the General Assembly, and designated officers filing with the Secretary of State. The right to contest or recount an election in accordance with KRS Chapter 120 shall not be impaired. The county board of elections of the candidate's residence shall issue certificates of election where the successful candidate was voted for by the electors of a city whose boundaries extend beyond those of a single county. The board shall forward the certificate to the elected candidate. If the board finds that two (2) or more candidates have received the highest and equal number of votes for the same office, the board shall determine by lot which of the candidates is elected.
- (3) In counties containing cities of the first class, not later than the thirtieth day of December after the election, the county board of elections shall issue certificates of election where the successful candidate was voted for by the electors of the county, except members of Congress, members of the General Assembly, and designated officers filing with the Secretary of State. The right to contest or recount an election in accordance with KRS Chapter 120 shall not be impaired. The county board of elections of the candidate's residence shall issue certificates of election where the successful candidate was voted for by the electors of a city whose boundaries extend beyond those of a single county. The board shall forward the certificate to the elected candidate. If the board finds that two (2) or more candidates have received the highest and equal number of votes for the same office, the board shall determine by lot which of the candidates is elected.
- (4) In the case of all offices voted for, and in the case of public questions submitted to the vote of the people of the state at large or of a district greater than one (1) county, the county board of elections shall make out duplicate certificates of the total number of votes received by each of the candidates for the office and the total number of votes for and against each of the questions on a form prescribed by the State Board of Elections through the promulgation of administrative regulations in accordance with KRS Chapter 13A. The certificate of the total number of votes shall be certified to the Secretary of State's Office not later than 12 p.m., prevailing time, on the Friday following the election. For special elections the certificate of the total number of votes shall be certified to the Secretary of State's Office not later than 12 p.m., prevailing time, on the day following the election. The clerk shall keep one (1) of the certificates in his or her office. He or she shall not later than three (3) days after receiving the certificate from the board, forward the other

certificate by mail to the Secretary of State who shall deliver it to the State Board of Elections.

- (5) The State Board of Elections shall meet, to count and tabulate the votes received by the different candidates as certified to the Secretary of State no later than the third Monday after the election. The right to contest or recount an election in accordance with KRS Chapter 120 shall not be impaired. A majority of the members of the board shall constitute a quorum and may act. The board shall make out the certificates of election in the office of the board from the returns made. The board shall make out duplicate certificates of election, in writing, over the signatures of its members. The board shall forward the original certificate, by mail, to the elected candidate. The duplicate shall be retained in the office of the board. In the case of the election of a representative in Congress, an additional certificate shall be made and sent, by mail, to the clerk of the House of Representatives.
- (6) The certificate of election shall be issued to the candidate receiving the highest number of votes in the territory from which the election is to be made. If two (2) or more persons are found to have received the highest and an equal number of votes for the same office, the election shall be determined by lot in the manner the board directs, in the presence of not less than three (3) other persons. In the case of elections for electors of President and Vice President of the United States, the board shall issue a certificate of election to each elector of the political party or organization whose candidates for President and Vice President received the highest number of votes and the determination by the board that the candidates of any political party or organization for President and Vice President have received the highest number of votes shall constitute a determination that the electors nominated by that party have been elected.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 176, sec. 12, effective July 15, 2010. -- Amended 2008 Ky. Acts ch. 79, sec. 8, effective July 15, 2008. -- Amended 2002 Ky. Acts ch. 77, sec. 2, effective July 15, 2002. -- Amended 1990 Ky. Acts ch. 169, sec. 10, effective July 13, 1990. -- Amended 1986 Ky. Acts ch. 470, sec. 31, effective July 15, 1986. -- Amended 1984 Ky. Acts ch. 185, sec. 24, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 394, sec. 30, effective July 15, 1982. -- Amended 1978 Ky. Acts ch. 318, sec. 9, effective June 17, 1978. -- Created 1974 Ky. Acts ch. 130, sec. 128, effective June 21, 1974.