

**118A.190 Issuance of certificates by State Board of Elections -- Tie votes.**

- (1) The State Board of Elections shall issue certificates of nomination or election for all primary and regular elections as provided in this section.
- (2) Following a primary or regular election, the board of elections of each county shall make out duplicate certificates of the total number of votes received by each candidate, by circuit or district, and numbered division thereof if divisions exist. The certificate of the total number of votes shall be certified to the Secretary of State's Office not later than 12 noon, prevailing time, on the Friday following the primary or regular election. The clerk shall keep one (1) of the certificates in his or her office and, within three (3) days of their receipt from the board, shall forward the other certificate by mail to the Secretary of State who shall deliver it to the State Board of Elections.
- (3) 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 primary or regular election. When the board certifies the results of a primary or regular election, the right to contest the election or primary shall not be impaired. A majority of the members of the board shall constitute a quorum and may act. The board shall prepare the certificates of nomination or election in the office of the board, from the returns made. The certificates shall be in writing and in duplicate, and shall be signed by the board members. The board shall forward the original certificate, by mail, to the nominated or elected candidate, unless he or she has failed to comply with KRS Chapter 121. The duplicate shall be retained in the office of the board.
- (4) Certificates of nomination for a judicial office shall be issued to the two (2) candidates receiving the highest number of votes, except that if more than two (2) candidates are found to have received the highest and an equal number of votes for the same office or if two (2) or more candidates are found to have received the second 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.
- (5) The certificate of election for a judicial office shall be issued to the candidate receiving the highest number of votes, except that if two (2) or more candidates 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.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 123, sec. 10, effective July 15, 2010. -- Amended 1986 Ky. Acts ch. 470, sec. 41, effective July 15, 1986. -- Amended 1978 Ky. Acts ch. 318, sec. 11, effective June 17, 1978. -- Created 1976 Ky. Acts ch. 54, sec. 19, effective March 10, 1976.