

120.290 Procedure for recount of election on constitutional convention or amendment, or statewide public question.

- (1) If a contest instituted under KRS 120.280 involves the recount of ballots, and the court has determined that the petition of contest presents sufficient grounds, the court shall immediately order the ballots of the counties and precincts in which the recount is demanded sent to the courthouse at Frankfort, in a manner designated in the order. The court may appoint two (2) special commissioners to help make the recount, who shall receive three dollars (\$3) per day and their actual traveling expenses, when approved by the Franklin Circuit Court. The attorneys representing the contestant and the Commonwealth's attorney representing the contestee may be present at all hearings on the recount. The contestant and contestee shall each be entitled to appoint one (1) inspector, who shall be allowed to witness the recount.
- (2) The result of the recount of ballots shall be reported to the court within three (3) days after it has been completed, together with all the disputed ballots and any ballots not counted. After inspecting and passing on the disputed and uncounted ballots, the court shall add such of them as are found to be legal to the number of legal ballots determined by the recount. If the court finds that any ballots were procured by fraud, duress, bribery, intimidation, or for valuable consideration, they shall be rejected as illegal and void. If there has been such error, fraud or other irregularity as to make it impossible to ascertain the correct result in any precinct, the ballots from that precinct shall be thrown out and considered void. The vote from a precinct shall not be counted if the contestants prove that there was bribery or intimidation of the electors in that precinct and the court finds that the contestants were in the minority in that precinct and were not in any way implicated in the bribery or fraud complained of.

Effective: January 2, 1978

History: Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 142, effective January 2, 1978. -- Created 1974 Ky. Acts ch. 130, sec. 174.