

242.120 Recounts and contests -- Creation of recanvass procedures for local option elections to be consistent with recanvass procedures for primaries and regular and special elections -- Appeals.

- (1) Any qualified voter may demand a recount of the votes or contest the election in the same manner as is provided for the recount of votes or contest of general elections of county officers by KRS 120.155 to 120.185. The members of the county board of election commissioners shall be named as contestees and summons shall be served upon them. Any qualified voter may intervene as contestee by filing a petition to be made a party in the action.
- (2)
 - (a) The canvass and returns provided for in KRS 242.110 shall constitute the official returns for the local option election, unless before 4 p.m. on the seventh day following the local option election, the county clerk or county board of elections takes notice of a discrepancy in the tally of votes cast in any precinct or number of precincts within the territory voting in the local option election, or a committee favoring or opposing the proposition makes a written request to the county board of elections to check and recanvass the voting machines and absentee ballots of any precinct or any number of precincts involving the local option election. After this time period has elapsed and notice is taken, the county board of elections shall assemble at 9 a.m. on the second day following the filing deadline to request a recanvass, and not sooner, and recheck and recanvass each machine and make a proper return thereof to the county clerk, and the canvass and return shall become the official returns for the election.
 - (b) In making the recanvass, the county board of elections shall make a record of the number of the seal upon the voting machine and, without unlocking the machine against voting, recanvass the vote cast thereon. If, after a recanvass, it is found that the original canvass of the returns has been correctly made from the machine and that there still remains a discrepancy unaccounted for, this discrepancy shall be noted. If, upon recanvass, it appears that the original canvass of the returns by the election officers was incorrect, the returns and all papers being prepared by the county board of elections shall be corrected accordingly.
 - (c) The county board of elections shall, immediately upon receipt of a request for a recanvass, notify the committees favoring or opposing the proposition of the time and place of the recanvass. At the recanvass, the committees favoring or opposing the proposition may be present. The county board of elections shall authorize representatives of the news media to observe the recanvass of the votes cast on the voting machine in each precinct. Nothing in this section shall prohibit an individual from requesting, in addition to a recanvass, a recount as authorized by KRS Chapter 120.
- (3) The State Board of Elections shall prescribe forms to be used by county boards of election to report all recanvassed votes. The form shall include the following information:
 - (a) The name of the county in which the recanvass was conducted;
 - (b) The date of the report;
 - (c) The date of the local option election;

- (d) The proposition for which the recanvass was conducted;
- (e) The names of the leaders of the committees favoring or opposing the proposition being recanvassed; and
- (f) The machine votes, absentee votes, and vote totals for each "yes" or "no" vote.

The report shall be signed by each member of the county board of elections.

- (4) The county board of elections shall file its recanvass report as prescribed in administrative regulations promulgated by the State Board of Elections in accordance with KRS Chapter 13A.
- (5) The State Board of Elections shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish the proper procedures for conducting a local option election recanvass for each type of voting system approved by the State Board of Elections and in use in Kentucky.

Effective: June 25, 2013

History: Amended 2013 Ky. Acts ch. 121, sec. 10, effective June 25, 2013. -- Amended 1982 Ky. Acts ch. 360, sec. 65, effective July 15, 1982. -- Amended 1980 Ky. Acts ch. 188, sec. 226, effective July 15, 1980. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 2554c-13.