

117.295 Period during which voting equipment is to remain locked -- Examination -- Custody of keys.

- (1) For a period of ten (10) days following any primary, and for a period of thirty (30) days following any regular or special election, the voting equipment shall remain locked against voting and the ballot boxes containing all paper ballots shall remain locked, except that the voting equipment and the ballot boxes may be opened and all the data and figures therein examined:
 - (a) Upon the order of any court of competent jurisdiction, or judge thereof;
 - (b) By direction of any legislative committee or board authorized and empowered to investigate and report upon contested elections;
 - (c) By a county board of elections under the direction of the State Board of Elections pursuant to a risk-limiting audit; or
 - (d) As required to conduct a recount under KRS 120.157.

All the data and figures shall be examined by the court, judge, county board of elections, State Board of Elections, or committee in the presence of the officer having the custody of the voting equipment, ballots, and ballot boxes. In the event of a contest of election, the court in which the contest is pending or the committee before which the contest is being heard may, upon motion of any party to the contest, issue an order requiring that the voting equipment, ballots, and ballot boxes shall remain continuously locked for further time as may be reasonable or necessary, with due regard for the preparation of the voting equipment for a succeeding primary, regular election, or special election, but in no event shall the order compel that the voting equipment remain locked to a time within thirty (30) days next preceding any approaching primary, regular election, or special election.

- (2) During the period when the voting equipment and the ballot boxes are required to be kept locked, the keys thereto shall remain in the possession of the county board of elections. After that period, it shall be the duty of the county board of elections to return the keys to the custody of the county clerk.

Effective: June 29, 2021

History: Amended 2021 Ky. Acts ch. 197, sec. 37, effective June 29, 2021. -- Amended 2010 Ky. Acts ch. 176, sec. 9, effective July 15, 2010. -- Amended 2008 Ky. Acts ch. 129, sec. 5, effective July 15, 2008. -- Amended 1992 Ky. Acts ch. 288, sec. 37, effective July 14, 1992. -- Created 1974 Ky. Acts ch. 130, sec. 43, effective June 21, 1974.

Legislative Research Commission Note (7/15/2008). 2008 Ky. Acts ch. 129 eliminated the runoff primary in elections for Governor and Lieutenant Governor. In Section 5 of that Act (this statute), a reference to "runoff primary" that was not deleted by the drafter has been deleted in codification as a manifest clerical or typographical error by the Reviser of Statutes.