

242.120 Recounts and contests -- Creation of recanvass procedures for local option elections -- Recanvass reports.

- (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 regular 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 ballots cast, including 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 all voting equipment 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 unique designation or number of the seal upon the voting equipment and, without unlocking the voting equipment against voting, recanvass the votes cast. If, after a recanvass, it is found that the original canvass of the returns has been correctly made from the voting equipment 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 at the polls 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 through administrative regulations promulgated under KRS Chapter 13A, a form 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 canvass was conducted;
- (e) The names of the leaders of the committees favoring or opposing the proposition being canvassed; and
- (f) The votes cast at the polls, 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 canvass 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 canvass for each type of voting system approved by the State Board of Elections and in use in Kentucky.

Effective: June 29, 2021

History: Amended 2021 Ky. Acts ch. 197, sec. 70, effective June 29, 2021. -- 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.