

### **120.055 Procedure for contest of primary.**

Any candidate for nomination to office at a primary held under the provisions of KRS 118.015 to 118.035 and 118.105 to 118.255, or any candidate for nomination to a city office at a primary for which the statutes do not otherwise provide for determining contest elections, for whom a number of votes was cast equal to not less than fifty percent (50%) of the votes cast for the successful candidate for nomination to the office, may contest the right of the successful candidate, and of any other candidate for nomination to the office, to the nomination, by filing a petition in the Circuit Court within ten (10) days from the day of the primary, stating the specific grounds relied upon for the contest, and causing a summons to be issued, returnable in seven (7) days. In the case of candidates for offices for the state at large, the petition shall be filed in the Franklin Circuit Court; in the case of other candidates it shall be filed in the Circuit Court of the county in which the contestee resides. The summons may be personally served on the contestee in any county, or it may be served by leaving a copy at his or her home with a member of his or her family over sixteen (16) years of age, or by posting a copy on the door of his or her residence. The contestee shall file his or her answer within seven (7) days after service of summons. The answer may contain grounds of contest in favor of the contestee and against the contestant, but the grounds shall be specifically set out. Any candidate who would have been qualified to bring a contest action under this section, who is a party to a recount proceeding brought under KRS 120.095, may, by filing an answer in the recount proceeding within the time allowed by this section for filing grounds of contest, set forth grounds of contest against the petitioner in the recount proceeding. No ground of contest by either party shall be filed or made more definite by amendment after the expiration of the time allowed by this section for filing the original pleading. The contestant may file a reply within five (5) days after answer is filed, which shall complete the pleading, and any affirmative matter in the reply shall be treated as controverted. Upon return of the summons, properly executed, to the office of the circuit clerk of the county in which the action is pending, the clerk shall immediately docket the cause and notify the presiding judge of the court that the contest has been instituted, and the judge shall proceed to a trial of the cause within five (5) days after the issue was joined. In judicial circuits having more than one (1) Circuit Judge, the judge who shall hear the cause shall be determined by lot.

**Effective:** July 15, 2020

**History:** Amended 2020 Ky. Acts ch. 88, sec. 8, effective July 15, 2020. -- Amended 1992 Ky. Acts ch. 288, sec. 42, effective July 14, 1992. -- Amended 1976 Ky. Acts ch. 62, sec. 87; and ch. 199, sec. 3. -- Created 1974 Ky. Acts ch. 130, sec. 158.