

120.250 Contest or recount of election on public question.

- (1) Any elector who was qualified to and did vote on any public question, other than a constitutional amendment or a question of local option under KRS Chapter 242, submitted to the voters of any county, city or district for their approval or rejection may contest the election or demand a recount of the ballots by filing a petition, within thirty (30) days after the election, with the clerk of the Circuit Court of the county in which the election was held, which court shall have exclusive jurisdiction to hear and determine all matters in such cases. The petition shall be against the county, city or district in which the election was held, and shall set forth the grounds of contest or reason for requesting a recount. The grounds of contest may be the casting of illegal votes, the exclusion of legal votes, the unfair or illegal conduct of the election, tampering with the returns, the alteration of the certificates of the results, bribery, fraud, intimidation or corrupt practices, or any conduct or practice tending to frustrate, obstruct or interfere with the free expression of the will of the voters. A copy of the petition shall be posted at the courthouse door and at one or more public places in the county, city or district in which the election was held. Summons shall be served on the defendant as in equity actions.
- (2) Upon the petition being filed, the circuit clerk shall forthwith order the county board of election commissioners and the county clerk of the county involved in the contest to preserve and hold the ballots cast at the election on the question subject to the order of the Circuit Court. The court shall, within five (5) days after the petition is filed, determine whether there are sufficient grounds stated to justify the contest, and shall thereupon require the contestants to give bond for costs, and fix a time for the defendant to answer, not exceeding twenty (20) days.
- (3) If the county, city or district affected fails to defend the action, any elector may become a defendant by filing an answer or other proper pleading within thirty (30) days after the filing of the petition, and by giving security for the costs in an amount to be fixed by the court. Any elector may join and assist the defendant in resisting the action by filing an application to do so and by giving security for such proportion of the costs as may be adjudged against him.

Effective: January 2, 1978

History: Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 139, effective January 2, 1978. -- Created 1974 Ky. Acts ch. 130, sec. 170.