

120.017 Administrative or clerical errors as grounds for contest -- Action brought in Circuit Court -- Recount -- Appeal -- Determination regarding automatic recount.

- (1) It shall be the duty of precinct election officers at all primaries, regular elections, or special elections to immediately report to the county clerk any administrative or clerical error discovered in the process of conducting the polling or tabulation of votes at any such primary or election.
- (2) Upon receipt by the county clerk of notice of error in conducting the polling or tabulation of votes pursuant to subsection (1) of this section, the county clerk shall file an action in the Circuit Court within fifteen (15) days of the primary or election, requesting a recount of ballots for the precinct reporting the administrative or clerical error. Simultaneously with the filing of such action, the county clerk shall make written notice by regular mail to all candidates appearing on the ballot of the precinct at issue that such action is being filed. In the case of an election for candidates for offices for the state at large or an election on a statewide public question, the action shall be filed in the Franklin Circuit Court; in the case of other elections, the action shall be filed in the Circuit Court of the county in which the precinct reporting the error is located.
- (3) An action filed in the Circuit Court of competent jurisdiction pursuant to this section shall be heard summarily and without delay. Upon filing of the action, the circuit clerk shall immediately notify the Circuit Judge, and the judge shall at once enter an order directing custody of the voting machine, voting equipment, or voting system, the ballots, ballot boxes, and all papers pertaining to the primary or election from that precinct claiming error, to be transferred to the Circuit Court, and fix a day for the recount proceeding to begin.
- (4) Candidates notified pursuant to subsection (3) of this section shall, upon proper motion, be made parties to the action.
- (5) On the day fixed for the recount, the court shall proceed to recount the ballots if their integrity is satisfactorily shown and shall complete the recount as soon as practicable, and shall file and enter of record the results thereof.
- (6) Any person made party to the action pursuant to subsection (4) of this section may appeal from the judgment to the Court of Appeals, in the same manner as provided in KRS 120.075.
- (7) The county clerk shall certify the final recount results entered of record in any action filed pursuant to this section to the county board of elections and to the local governing body of each of two (2) dominant political parties. Final certification of election results shall then proceed according to KRS Chapters 117, 118, and 118A.
- (8) The court may determine if an automatic recount conducted under KRS 120.157 satisfies the recount required under this section.

Effective: June 29, 2021

History: Amended 2021 Ky. Acts ch. 197, sec. 66, effective June 29, 2021. -- Created 1982 Ky. Acts ch. 295, sec. 1, effective July 15, 1982.