

**120.185 Recount of election of officers referred to in KRS 120.155 -- Petition --  
Recount proceeding -- Appeals -- General Assembly action regarding findings  
of court.**

- (1) (a) 1. Any candidate who was voted for at a regular election for any of the offices to which KRS 120.155 applies, and who does not qualify for an automatic recount under KRS 120.157, may request a recount of the ballots by filing a petition with the same court where petitions of contest are required to be filed.
  2. If the candidate is qualified to institute a contest proceeding under KRS 120.155, the candidate may request a recount by including a recount request in his or her petition instituting the contest proceeding.
- (b) Any candidate who is a contestee in a contest proceeding under KRS 120.155 may request a recount in his or her answer filed in the contest proceeding, but only if the answer containing the recount request is filed within five (5) days after service of the petition upon the contestee.
- (c) Any candidate under this subsection who would receive a certificate of election from the county board of elections under KRS 118.425 shall file his or her petition requesting a recount not later than ten (10) days after the day of the election. The county board of elections shall be named a party defendant in the petition.
- (d) Any candidate under this subsection who would receive a certificate of election from the State Board of Elections under KRS 118.425 shall file his or her petition requesting a recount not later than the second Tuesday following the election. The State Board of Elections shall be named a party defendant in the petition.
- (e) The party requesting the recount shall execute bond with approved surety for the costs of the recount, in an amount to be fixed by the Circuit Judge. The bond may be filed by the state political party, political organization, or political group, if any, to which the candidate is affiliated. Upon the bond being filed, the clerk shall immediately notify the Circuit Judge of the request and the filing of the bond, and the judge shall at once enter an order directing the voting machines, voting equipment, or voting system, ballots, boxes, and all papers pertaining to the election be secured. The court shall further order that the voting equipment, voting system, and ballot boxes containing all paper ballots shall remain continuously locked as required by KRS 117.295 until the time set for the recount. The keys shall remain in the custody and possession of the county board of elections until the time set for the recount.
- (f) The Circuit Court shall fix a day for the recount proceedings to begin. A copy of the order shall be served upon the parties or their counsel in the same manner as notices are required to be served, which shall be deemed sufficient notice of the proceeding.
- (g) At the recount, each political party represented on the county board of elections may appoint a representative to be present, and each candidate

subject to the recount may be present, either in person or by a representative, or both. The county board of elections shall authorize representatives of the news media to observe the recount.

- (h) On the day fixed by the court, the county board of elections shall meet and after confirming the integrity of the ballots, shall proceed to recount the ballots.
  - (i) The county board of elections shall complete the recount as soon as practicable, and shall forward the results of the recount to the Circuit Court.
  - (j) Upon receipt of the results of the recount, the court shall enter a judgment setting out the results of the recount, and directing the State Board of Elections or county board of elections, whichever would issue the certificate of election, to issue the certificate to the party entitled thereto as shown by the recount.
  - (k) No certificate of election shall be issued by the State Board of Elections or any county board of elections while any recount proceeding is pending, and any certificate of election issued before the final judgment in any recount proceeding shall be null and void.
  - (l) Any party may appeal from the judgment issued under paragraph (j) of this subsection to the Court of Appeals, in the same manner as provided in KRS 120.075, and all of the provisions of that statute shall apply.
  - (m) If a proceeding for recount is requested and prosecuted in a contest proceeding, the recount shall not await the preparation or trial of the contest in the Circuit Court or in the Court of Appeals. The action of the courts shall be final as to the question of a recount of the ballots under this subsection, and certificates shall then be issued to the parties entitled thereto.
- (2)
- (a) Any slate of candidates for Governor and Lieutenant Governor, or any candidate for the United States Senate or the United States House of Representatives who was voted for at a regular election or a special election, and who does not qualify for an automatic recount under KRS 120.157, may request a recount of the ballots by filing a petition in the Franklin Circuit Court.
  - (b) For any slate of candidates for Governor and Lieutenant Governor, the petition requesting a recount shall be filed not later than the Tuesday following the election. No recanvass under KRS 117.305 shall be conducted. The court shall order the recount to commence at 9 a.m. local time not later than a date five (5) days after the filing of the petition. The recount shall be completed by the county board of elections within fourteen (14) days of commencement of the recount, Sundays excluded. The State Board of Elections shall be named a party defendant in the petition.
  - (c) For any candidate for the United States Senate or the United States House of Representatives, the petition requesting a recount shall be filed not later than the second Tuesday following the election. The State Board of Elections shall be named a party defendant in the petition.

- (d) Except for the time requirements established under paragraphs (b) and (c) of this subsection, the recount shall proceed as provided in subsection (1)(e) to (j) of this section.
  - (e) No appeal shall be taken from the findings issued by the Franklin Circuit Court described in subsection (1)(j) of this section; however, any party aggrieved by the findings or action of the court may file a petition for contest to the General Assembly under KRS 120.195, and the General Assembly may accept, modify, or disregard the findings of the court in its sole and absolute discretion.
  - (f) No certificate of election shall be issued by the State Board of Elections while any recount proceeding or contest proceeding is pending, and if issued before entry of the findings described in paragraph (e) of this subsection shall be null and void.
  - (g) Any candidate for the United States Senate or the United States House of Representatives aggrieved by the findings or action of the court shall proceed under the rules established by the United States Congress or federal law.
- (3)
- (a) Any candidate for the General Assembly who was voted for at a regular election or special election, and who does not qualify for an automatic recount under KRS 120.157, may request a recount of the ballots by filing a petition in the Circuit Court of the county where the requesting candidate resides.
  - (b) The petition requesting a recount shall be filed not later than the second Tuesday following the election. The State Board of Elections shall be named a party defendant in the petition.
  - (c) The recount shall proceed as provided in subsection (1)(e) to (j) of this section.
  - (d) No appeal shall be taken from the findings issued by the court described in subsection (1)(j) of this section; however, any party aggrieved by the findings or action of the court may file a petition for contest to the General Assembly under KRS 120.195, and the General Assembly may accept, modify, or disregard the findings of the court in its sole and absolute discretion.
  - (e) No certificate of election shall be issued by the State Board of Elections while any recount proceeding or contest proceeding is pending, and if issued before entry of the findings described in subsection (1)(j) of this section shall be null and void.

**Effective:** June 29, 2021

**History:** Amended 2021 Ky. Acts ch. 197, sec. 69, effective June 29, 2021. -- Amended 1992 Ky. Acts ch. 288, sec. 54, effective July 14, 1992. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 137, effective January 2, 1978. -- Created 1974 Ky. Acts ch. 130, sec. 166.