

120.157 Automatic recount -- Determination by State Board of Elections -- Custody of materials -- Proceedings of county board of elections -- Costs.

- (1) In any regular election or special election for any member of the General Assembly, the United States Senate or the United States House of Representatives, Governor and Lieutenant Governor, Treasurer, Auditor of Public Accounts, Commissioner of Agriculture, Labor and Statistics, Secretary of State, and Attorney General, a recount of the vote shall be required when a candidate is defeated by a margin of not more than one-half of one percent (0.5%) of the votes cast for the office.
- (2) The State Board of Elections shall determine whether a recount is required under this section based upon the total number of votes certified to the Secretary of State. The time for conducting the recount under this section shall be as follows:
 - (a) For the offices of Governor and Lieutenant Governor, no recanvass under KRS 117.305 shall be made. The recount shall be commenced not later than 9 a.m. local time on the Tuesday following the election and shall be conducted in the manner provided under subsections (3) to (7) of this section. The recount shall be completed within fourteen (14) days, Sundays excluded; and
 - (b) For all other offices listed in subsection (1) of this section, the recount shall be commenced not later than 9 a.m. local time on the second Tuesday following the election and shall be conducted in the manner provided under subsections (3) to (7) of this section. The recount shall be completed within fourteen (14) days, Sundays excluded.
- (3) The custody of the voting equipment, ballots, boxes, and all papers pertaining to the election shall be maintained by the county board of elections. The voting equipment shall remain continuously locked, and the 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 possession of the county board of elections until the time set for the recount.
- (4) The recount shall be conducted by the county board of elections of each county in which votes for the office that is the subject of the recount were cast.
- (5) 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.
- (6) On the day fixed for the recount, the county board of elections shall meet and, after confirming the integrity of the ballots, shall proceed to recount the ballots.
- (7) The county board of elections shall complete the recount within the time established under subsection (2) of this section. Upon completion of the recount, the county board of elections shall file and enter of record the results of the recount, and shall certify the results of the recount of the total number of votes to the Secretary of State not later than 4 p.m., local time, on the day following the completion of the recount, Sunday excluded. No certificate of election shall be issued by the State Board of Elections while the recount is pending.
- (8) The costs of any recount held pursuant to this section shall be paid by the

Commonwealth of Kentucky. The costs shall be deemed a necessary government expense and shall be paid from the general fund surplus account under KRS 48.700 or the budget reserve trust fund account under KRS 48.705.

- (9) If a recount is conducted under subsection (1) of this section:
- (a) The time for filing a contest petition shall be tolled until the vote is certified under subsection (7) of this section; and
 - (b) The candidate may initiate an election contest, but no request for an additional recount shall be considered prior to the completion of the certification of the vote under subsection (7) of this section.

Effective: June 29, 2021

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