

120.195 Contest of election by slate of candidates for Governor and Lieutenant Governor or by candidate for General Assembly.

- (1) Any slate of candidates for Governor and Lieutenant Governor may contest any regular election or special election to the General Assembly by filing a written application and notice of the contest with the clerk of the Senate and with the clerk of the House of Representatives of the General Assembly. The application and notice of contest shall be signed by the parties contesting the election, and:
 - (a) If contesting a regular election, the application and notice of contest shall:
 1. Be filed not later than thirty (30) days after the final action of the State Board of Elections; or
 2. Be filed not later than thirty (30) days following entry of the findings of the Franklin Circuit Court as provided in KRS 120.185(2) if a recount was conducted; and
 - (b) If contesting a special election, the application and notice of contest shall be filed not later than seven (7) days after the final action of the State Board of Elections.
- (2) Any candidate for the General Assembly may contest any regular election or special election to the General Assembly by filing a written application and notice of the contest with the clerk of the house to which the candidate seeks election. The application and notice of contest shall be signed by the party contesting the election, and:
 - (a) If contesting a regular election, the application and notice of contest shall:
 1. Be filed not later than fifteen (15) days after the final action of the State Board of Elections; or
 2. Be filed not later than fifteen (15) days following entry of the findings entered by the Circuit Court as provided in KRS 120.185(3) if a recount was conducted; and
 - (b) If contesting a special election, the application and notice of contest shall be filed not later than three (3) days following the final action of the State Board of Elections.
- (3) The application and notice required under subsections (1) and (2) of this section shall state the grounds of the contest, and no grounds other than those stated in the application and notice shall be heard as coming from that party following the filing of the application and notice. The candidate filing the application and notice may include a request for a recount which may be ordered by the board selected to try the contest under KRS 120.205 or 120.215.
- (4) No election contest shall be heard unless the contestee to the proceeding has been served with a copy of the application and notice of contest. The contestee may make defense without giving counternotice.
- (5) No certificate of election shall be issued by the State Board of Elections while any election contest is pending, and any certificate issued before, during, or after final resolution by the board of any election contest filed under this section shall be null

and void.

- (6) Immediately after the filing of the application and notice of contest, either party may proceed to take proof by depositions, under the same rules and regulations that govern the taking of depositions in actions in equity, except that no commission shall be required for taking a deposition out of the state. The depositions shall be sealed by the officer taking them, and directed to the clerk of the Senate or clerk of the House, as the case may require. The depositions properly taken shall be read as evidence before the board or house of the General Assembly having jurisdiction of the case, and the board or house may call for and hear other proof as either shall determine. The taking of depositions to be used before the board or house of the General Assembly shall close ten (10) days before the next meeting of the General Assembly, or, if the General Assembly is in session when the application and notice is filed, when the board or house orders the taking of proof by deposition to close.
- (7) The costs of the proceeding shall be adjudged against the unsuccessful party, and a certificate of costs shall be given by the clerk of the Senate or the clerk of the House to the parties to the contest or their attorneys, as the case requires, and shall be paid to the prevailing party within thirty (30) days of adjudication. If the costs are not timely paid, the prevailing party may seek entry of a judgment in a Circuit Court of competent jurisdiction.

Effective: June 29, 2021

History: Amended 2021 Ky. Acts ch. 197, sec. 82, effective June 29, 2021. -- Amended 1992 Ky. Acts ch. 288, sec. 55, effective July 14, 1992. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 138, effective January 2, 1978. -- Created 1974 Ky. Acts ch. 130, sec. 167.