

117.295 Period during which voting equipment is to remain locked -- Video surveillance -- Examination -- Custody of keys.

- (1) For a period of thirty (30) days following any election, the voting equipment shall remain locked against voting, the ballot boxes containing all paper ballots shall remain locked, and the voting equipment and ballot boxes shall be under video surveillance. The system used to conduct the video surveillance shall have enough storage capacity to retain sixty (60) consecutive days of continuous recording data. A request under the Kentucky Open Records Act, KRS 61.870 to 61.884, for this video after an election shall be made during the sixty (60) consecutive days following the election, and the video may be disposed of after those sixty (60) days, or upon compliance with the Kentucky Open Records Act or the completion of an investigation or pending litigation in a District, Circuit, or federal court, whichever is later.
- (2) The voting equipment and the ballot boxes may be opened and all the data and figures therein examined:
 - (a) Upon the order of any court of competent jurisdiction, or judge thereof;
 - (b) By direction of any legislative committee or board authorized and empowered to investigate and report upon contested elections;
 - (c) By a county board of elections or its designee under the direction of the Secretary of State pursuant to a hand-to-eye recount as described in KRS 117.383; or
 - (d) As required to conduct a recount under KRS 120.157.

All the data and figures shall be examined by the court, judge, county board of elections, State Board of Elections, or committee in the presence of the officer having the custody of the voting equipment, ballots, and ballot boxes. In the event of a contest of election, the court in which the contest is pending or the committee before which the contest is being heard may, upon motion of any party to the contest, issue an order requiring that the voting equipment, ballots, and ballot boxes shall remain continuously locked for further time as may be reasonable or necessary, with due regard for the preparation of the voting equipment for a succeeding primary, regular election, or special election, but in no event shall the order compel that the voting equipment remain locked to a time within thirty (30) days next preceding any approaching primary, regular election, or special election.

- (3) During the period when the voting equipment and the ballot boxes are required to be kept locked, the keys thereto shall remain in the possession of the county board of elections. After that period, it shall be the duty of the county board of elections to return the keys to the custody of the county clerk.

Effective: July 15, 2024

History: Amended 2024 Ky. Acts ch. 156, sec. 3, effective July 15, 2024; and ch. 224, sec. 11, effective April 27, 2024. -- Amended 2022 Ky. Acts ch. 219, sec. 4, effective July 14, 2022. -- Amended 2021 Ky. Acts ch. 197, sec. 37, effective June 29, 2021. -- Amended 2010 Ky. Acts ch. 176, sec. 9, effective July 15, 2010. -- Amended 2008 Ky. Acts ch. 129, sec. 5, effective July 15, 2008. -- Amended 1992 Ky. Acts ch. 288, sec. 37, effective July 14, 1992. -- Created 1974 Ky. Acts ch. 130, sec. 43, effective June 21, 1974.

Legislative Research Commission Note (7/15/2024). This statute was amended by 2024 Ky. Acts chs. 156 and 224, which do not appear to be in conflict and have been codified together.

Legislative Research Commission Note (7/15/2008). 2008 Ky. Acts ch. 129 eliminated the runoff primary in elections for Governor and Lieutenant Governor. In Section 5 of that Act (this statute), a reference to "runoff primary" that was not deleted by the drafter has been deleted in codification as a manifest clerical or typographical error by the Reviser of Statutes.