

1 AN ACT relating to venue and declaring an emergency.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 120.280 is amended to read as follows:

4 (1) ***Any elector who is qualified to vote on any constitutional convention,***
5 ***constitutional amendment, or statewide public question submitted to the voters of***
6 ***the state for their ratification or rejection, and who otherwise has standing to sue,***
7 ***may challenge a procedural defect in the enactment of the law placing the***
8 ***amendment or question on the ballot, or ambiguity in the wording of the***
9 ***amendment or question, by filing a petition within thirty (30) days after the act***
10 ***becomes effective with the clerk of the Hardin Circuit Court, which court shall***
11 ***have exclusive jurisdiction to hear and determine all matters in such cases.***

12 **(2)** Any elector who was qualified to and did vote on any constitutional convention,
13 constitutional amendment, or statewide public question submitted to the voters of
14 the state for their ratification or rejection may contest the election or demand a
15 recount of the ballots by filing a petition, not more than fifteen (15) days after the
16 official canvass and the announcement of the vote for the state by the State Board
17 of Elections, with the clerk of the **Hardin**~~[Franklin]~~ Circuit Court, which court shall
18 have exclusive jurisdiction to hear and determine all matters in such cases.

19 **(3) The procedure for a contest under subsection (2) of this section shall be as**
20 **follows:**

21 **(a)** The petition shall set forth the grounds of the contest. The contestant may file
22 with the clerk of the **Hardin**~~[Franklin]~~ Circuit Court and the Secretary of State
23 a notice of his **or her** intention to contest the election before the
24 announcement of the official count by the State Board of Elections and
25 thereupon the Secretary of State shall forthwith notify all the county boards of
26 elections in the counties involved in the contest to hold the ballots cast at the
27 election on the question subject to the order of the **Hardin**~~[Franklin]~~ Circuit

1 Court. The notice shall be served by the Secretary of State by mailing a true
2 and certified copy of the notice of contest, and the order to hold the ballots
3 subject to the order of the court, by certified mail, return receipt requested, to
4 the sheriffs of the counties in question, and the sheriffs shall forthwith
5 acknowledge receipt thereof; ~~and~~.

6 ~~(b)(2)~~ The court shall, within five (5) days after the filing of the petition of
7 contest, determine whether there are sufficient grounds stated to justify the
8 contest, and shall thereupon require the contestants to give bonds for costs.

9 ~~(4)~~ All of the hearings relating to the contest shall be held in the courthouse of
10 ~~Hardin~~~~Franklin~~ County.

11 ~~(5)(3)~~ The clerk of the ~~Hardin~~~~Franklin~~ Circuit Court shall cause a notice of the
12 contest to be published pursuant to KRS Chapter 424, setting out the substance or
13 the grounds of contest alleged by the contestants.

14 ~~(6)(4)~~ Any elector who participated in the election on the convention, amendment,
15 or statewide public question may make himself or herself a party as contestee in
16 ~~an~~~~the~~ action pursuant to subsection (2) of this section by filing his or her
17 petition to be made a party not later than five (5) days after the contest is instituted,
18 and by giving bond of the costs as required of the contestant. If no elector makes
19 himself or herself a party to the contest, the Commonwealth's attorney for the
20 ~~Hardin~~~~Franklin~~ Circuit Court shall attend the trial of the cause, and he or she may
21 file motions and pleadings in the cause on behalf of the Commonwealth to
22 ensure~~insure~~ a fair and honest determination of the contest.

23 ~~(7)(5)~~ All laws relating to contested elections for state offices shall apply with equal
24 force to contests brought pursuant to subsection (2) of ~~the character contemplated~~
25 ~~by~~ this section, except as otherwise provided in this section and in KRS 120.290.

26 ➔ Section 2. KRS 120.290 is amended to read as follows:

27 (1) (a) If a contest instituted under KRS 120.280 involves the recount of ballots, and

1 the court has determined that the petition of contest presents sufficient
2 grounds, the court shall immediately order the ballots of the counties and
3 precincts in which the recount is demanded sent to the courthouse in Hardin
4 County~~[at Frankfort]~~, in a manner designated in the order.

5 **(b)** The court may appoint two (2) special commissioners to help make the
6 recount, who shall receive three dollars (\$3) per day and their actual traveling
7 expenses, when approved by the Hardin~~[Franklin]~~ Circuit Court.

8 **(c)** The attorneys representing the contestant and the Commonwealth's attorney
9 representing the contestee may be present at all hearings on the recount.

10 **(d)** The contestant and contestee shall each be entitled to appoint one (1)
11 inspector, who shall be allowed to witness the recount.

12 (2) **(a)** The result of the recount of ballots shall be reported to the court within three
13 (3) days after it has been completed, together with all the disputed ballots and
14 any ballots not counted.

15 **(b)** After inspecting and passing on the disputed and uncounted ballots, the court
16 shall add such of them as are found to be legal to the number of legal ballots
17 determined by the recount.

18 **(c)** If the court finds that any ballots were procured by fraud, duress, bribery,
19 intimidation, or for valuable consideration, they shall be rejected as illegal and
20 void. If there has been such error, fraud or other irregularity as to make it
21 impossible to ascertain the correct result in any precinct, the ballots from that
22 precinct shall be thrown out and considered void. The vote from a precinct
23 shall not be counted if the contestants prove that there was bribery or
24 intimidation of the electors in that precinct and the court finds that the
25 contestants were in the minority in that precinct and were not in any way
26 implicated in the bribery or fraud complained of.

27 ➔Section 3. Whereas it is vital that a forum for resolution of important questions

- 1 of law be convenient and accessible to citizens from all parts of the Commonwealth, an
- 2 emergency is declared to exist, and this Act takes effect upon its passage and approval by
- 3 the Governor or upon its otherwise becoming a law.