

### **117.315 Appointment of challengers and inspectors.**

- (1) Each political party is entitled to have not exceeding two (2) challengers at each precinct during the holding of the primary election. Any group of bona fide candidates, as defined in KRS 118.176, of the same political party equal to twenty-five percent (25%) of all the candidates for that party to be voted for in a county in any primary, including state, district, and all other candidates, may recommend to the county committee or governing authority of the party for the county a list of persons whom they desire to have appointed as challengers in each precinct in the county. If more than two (2) such lists are furnished, the committee or governing authority, in making appointments of challengers, shall alternate between the several lists so furnished so as to give to each list an equal amount or proportion of the appointments, but in no event shall there be appointed more than one (1) challenger for any precinct from any one (1) list. The list of challengers shall be presented to the chair or secretary of the party committee of the county on or before the third Friday in April preceding the primary, and the committee or the chairman thereof shall make the appointments, certify to same, and present a list of certified challengers to the county clerk at least twenty (20) days before the date on which the primary is held. The appointment of challengers shall be certified in all respects as challengers at regular elections, except as otherwise provided in this section. The challengers shall be registered voters of the county in which the primary is held and shall be subject to the same penalties and possess the same rights and privileges as challengers at regular elections, except that the challengers of one political party shall not be entitled to challenge persons who offer to vote for candidates of any other party in the primary. The provisions of this section shall be enforceable against the chair of the political party committees by a mandatory summary proceeding instituted in the Circuit Court. The order of the court may be reviewed by the Court of Appeals as provided for the granting or dissolving of temporary injunctions.
- (2) Any school board candidate, any independent ticket or candidate for city office, any nonpartisan city candidate, or candidate for an office of the Court of Justice at the primary or regular election may designate not more than one (1) challenger to be present at and witness the holding of primaries or elections in each precinct in the county. A candidate who designates a challenger shall present the county clerk with the name of the challenger at least twenty (20) days preceding the primary or regular election. The challenger shall be entitled to stay in the room or at the door. The challenger shall be a registered voter of the county in which the primary or election is held, shall be appointed in writing by the chair of the committee, independent candidate, or candidates representing a ticket, and shall produce written appointment on demand of any election officer.
- (3) The county executive committee of any political party having a ticket to elect at any regular or special election may designate not more than two (2) challengers to be present at and witness the holding of the election in each precinct in the county. The challengers shall be entitled to stay in the room or at the door. The challengers shall be registered voters of the county in which the election is held, shall be appointed in

writing signed by the chair of the committee, and shall produce written appointments on demand of any election officer. The committee or chair shall present the county clerk with a list of designated challengers at least twenty (20) days preceding a regular election and at least fifteen (15) days preceding a special election.

- (4) Except as provided in KRS Chapter 242, not later than the fourth Tuesday preceding an election at which constitutional amendments or other public questions are to be submitted to the vote of the people, any committee that in good faith advocates or opposes an amendment or public question may file a petition with the clerk of the county asking that the petitioners be recognized as the committee entitled to nominate challengers to serve at the election at which the constitutional amendment or public question is to be voted on. If more than one (1) committee alleging itself to advocate or oppose the same amendment file such a petition, the county board of elections shall decide, and announce by certified mail, return receipt requested, to each committee not less than the third Tuesday preceding the election, which committee is entitled to nominate the challengers. The decision shall not be final, but any aggrieved party may institute proceedings with the county judge/executive and, upon hearing, the county judge/executive shall determine which of the committees shall be recognized as the one to select challengers at the election.
- (5) The committee shall file the names of the persons nominated by it with the clerk of the county at least twenty (20) days before the primary and regular elections and not less than fifteen (15) days preceding the date of a special election. The county board of elections shall, not later than the Thursday preceding the election, certify the nominees of the committee for the respective precincts to serve as challengers at the election where any constitutional amendment or public question is to be voted upon. If more than one (1) amendment or question is to be voted upon, the county board of elections may designate, on the petition of the committee, one (1) person for each amendment and question to serve as challenger at the election.
- (6) The challengers shall perform their duties in the same manner and be subject to the same privileges as other challengers at an election.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 176, sec. 10, effective July 15, 2010. -- Amended 2008 Ky. Acts ch. 79, sec. 6, effective July 15, 2008. -- Amended 1996 Ky. Acts ch. 195, sec. 8, effective July 15, 1996. -- Amended 1992 Ky. Acts ch. 288, sec. 49, effective July 14, 1992; and ch. 296, sec. 6, effective July 14, 1992. -- Repealed and reenacted 1990 Ky. Acts ch. 476, Pt. V, sec. 302, effective July 13, 1990. -- Amended 1986 Ky. Acts ch. 470, sec. 17, effective July 15, 1986. -- Amended 1980 Ky. Acts ch. 114, sec. 13, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 384, sec. 251, effective June 17, 1978. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 20, sec. 6, effective January 2, 1978. -- Amended 1976 Ky. Acts ch. 54, sec. 22, effective March 10, 1976. -- Created 1974 Ky. Acts ch. 130, sec. 45, effective June 21, 1974.

**Formerly codified as KRS 125.210.**

**Legislative Research Commission Note (7/14/92).** This section was amended by two 1992 Acts. Where those Acts are not in conflict, they have been compiled together.

Where a conflict exists, the Act which was last enacted by the General Assembly prevails, pursuant to KRS 446.250.