

Effective: August 20, 1996

UNITED STATES CODE ANNOTATED
TITLE 2. THE CONGRESS
CHAPTER 12--CONTESTED ELECTIONS

→§ 381. Definitions

For purposes of this chapter:

(1) The term "election" means an official general or special election to choose a Representative in, or Delegate or Resident Commissioner to, the Congress, but that term does not include a primary election, or a caucus or convention of a political party.

(2) The term "candidate" means an individual (A) whose name is printed on the official ballot for election to the office of Representative in, or Delegate or Resident Commissioner to, the Congress, or (B) notwithstanding his name is not printed on such ballot, who seeks election to the office of Representative in, or Delegate or Resident Commissioner to, the Congress by write-in votes, provided that he is qualified for such office and that, under the law of the State in which the congressional district is located, write-in voting for such office is permitted and he is eligible to receive write-in votes in such election.

(3) The term "contestant" means an individual who contests the election of a Member of the House of Representatives under this chapter.

(4) The term "contestee" means a Member of the House of Representatives whose election is contested under this chapter.

(5) The term "Member of the House of Representatives" means an incumbent Representative in, or Delegate or Resident Commissioner to, the Congress, or an individual who has been elected to such office but has not taken the oath of office.

(6) The term "Clerk" means the Clerk of the House of Representatives.

(7) The term "committee" means the Committee on House Oversight of the House of Representatives.

(8) The term "State" means a State of the United States and any territory or possession of the United States.

(9) The term "write-in vote" means a vote cast for a person whose name does not appear on the official ballot by writing in the name of such person on such ballot or by any other method prescribed by the law of the State in which the election is held.

Current through P.L. 108-498 (End) (excluding P.L. 108-446, 108-447, 108-458) approved 12-23-04.

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CODE OF ALABAMA
TITLE 17. ELECTIONS.
CHAPTER 15. CONTESTING ELECTIONS.
ARTICLE 2. LEGISLATURE, JUDICIAL OR COUNTY OFFICES.

→§ 17-15-20. Statement of grounds of contest.

When any elector chooses to contest the election of any person declared to be elected to the office of senator, representative in the Legislature, judge of the circuit court or district court, any office which is filled by the vote of a single county or constable, he must make a statement in writing setting forth specifically:

- (1) The name of the party contesting and that he was a qualified voter when the election was held;
- (2) The office which said election was held to fill and the time of holding the same; and
- (3) The particular grounds of said contest.

This statement must be verified by the affidavit of such contesting party to the effect that the same is believed to be true. If the reception of illegal votes is alleged as a cause of contest, it is a sufficient statement of said cause to allege that illegal votes were given to the person whose election is contested, which, if taken from him, will reduce the number of legal votes given to him to or below the number of legal votes given to some other person for the same office.

Current through End of 2004 Regular Session

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ALASKA STATUTES

Title 15. Elections.

Chapter 20. Special Procedures for Elections.

Article 3. Election Contests.

→**Sec. 15.20.540 Grounds for election contest.**

A defeated candidate or 10 qualified voters may contest the nomination or election of any person or the approval or rejection of any question or proposition upon one or more of the following grounds: (1) malconduct, fraud, or corruption on the part of an election official sufficient to change the result of the election; (2) when the person certified as elected or nominated is not qualified as required by law; (3) any corrupt practice as defined by law sufficient to change the results of the election.

Current through all 2004 Sessions, Annotations through Opinions Decided
as of September 17, 2004.

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DELAWARE CODE ANNOTATED
TITLE 15. ELECTIONS
PART IV. GENERAL ELECTIONS
CHAPTER 59. CONTESTED ELECTIONS
SUBCHAPTER III. OTHER OFFICES

→§ 5942 Irregularities not invalidating election.

No inequality or improper conduct in the proceedings of the election officers or clerks or any one of them, shall be construed to amount to such malconduct as to annul or set aside any election unless the inequality or improper conduct shall have been such as to procure the person whose right to the office may be contested to be declared duly elected when he or she has not received the highest number of legal votes cast at the election.

Current through 2004 Regular Session of the 142nd General Assembly

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DELAWARE CODE ANNOTATED
TITLE 15. ELECTIONS
PART IV. GENERAL ELECTIONS
CHAPTER 59. CONTESTED ELECTIONS
SUBCHAPTER III. OTHER OFFICES

→§ 5943 Requirements to set aside election because of illegal voting.

Nothing in this chapter shall be so construed as to authorize an election to be set aside or annulled on account of illegal votes unless it shall appear that an amount of illegal votes has been given to the person whose right to the office is contested which, if taken from the person, would reduce the number of the person's legal votes below the number of votes given to some other person for the same office, after deducting therefrom the illegal votes which may be shown to have been given to such other person.

Current through 2004 Regular Session of the 142nd General Assembly

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West's F.S.A. § 102.168

WEST'S FLORIDA STATUTES ANNOTATED

TITLE IX. ELECTORS AND ELECTIONS (CHAPTERS 97-109)

CHAPTER 102. CONDUCTING ELECTIONS AND ASCERTAINING THE RESULTS

→102.168. Contest of election

(1) Except as provided in [s. 102.171](#), the certification of election or nomination of any person to office, or of the result on any question submitted by referendum, may be contested in the circuit court by any unsuccessful candidate for such office or nomination thereto or by any elector qualified to vote in the election related to such candidacy, or by any taxpayer, respectively.

(2) Such contestant shall file a complaint, together with the fees prescribed in chapter 28, with the clerk of the circuit court within 10 days after midnight of the date the last county canvassing board empowered to canvass the returns certifies the results of the election being contested.

(3) The complaint shall set forth the grounds on which the contestant intends to establish his or her right to such office or set aside the result of the election on a submitted referendum. The grounds for contesting an election under this section are:

(a) Misconduct, fraud, or corruption on the part of any election official or any member of the canvassing board sufficient to change or place in doubt the result of the election.

(b) Ineligibility of the successful candidate for the nomination or office in dispute.

(c) Receipt of a number of illegal votes or rejection of a number of legal votes sufficient to change or place in doubt the result of the election.

(d) Proof that any elector, election official, or canvassing board member was given or offered a bribe or reward in money, property, or any other thing of value for the purpose of procuring the successful candidate's nomination or election or determining the result on any question submitted by referendum.

(4) The canvassing board or Elections Canvassing Commission shall be the proper party defendant, and the successful candidate shall be an indispensable party to any action brought to contest the election or nomination of a candidate.

(5) A statement of the grounds of contest may not be rejected, nor the proceedings dismissed, by the court for any want of form if the grounds of contest provided in the statement are sufficient to clearly inform the defendant of the particular proceeding or cause for which the nomination or election is contested.

(6) A copy of the complaint shall be served upon the defendant and any other person named therein in the same manner as in other civil cases under the laws of this state. Within 10 days after the complaint has been served, the defendant must file an answer admitting or denying the allegations on which the contestant relies or stating that the defendant has no knowledge or information concerning the allegations, which shall be deemed a denial of the allegations, and must state any other defenses, in law or fact, on which the defendant relies. If an answer is not filed within the time prescribed, the defendant may not be granted a hearing in court to assert any claim or objection that is required by this subsection to be stated in an answer.

(7) Any candidate, qualified elector, or taxpayer presenting such a contest to a circuit judge is entitled to an immediate hearing. However, the court in its discretion may limit the time to be consumed in taking testimony, with a view therein to the circumstances of the matter and to the proximity of any succeeding election.

Current through Chapter 484 and H.J.R. No. 1 and S.J.R. No. 2394 (End) of
2004 Special 'A' Session of the Nineteenth Legislature

West's F.S.A. § 102.168

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Ga. Code Ann., § 21-2-522

WEST'S CODE OF GEORGIA ANNOTATED
TITLE 21. ELECTIONS
CHAPTER 2. ELECTIONS AND PRIMARIES GENERALLY
ARTICLE 13. CONTESTED ELECTIONS AND PRIMARIES

→§ 21-2-522. Grounds for contest

A result of a primary or election may be contested on one or more of the following grounds:

- (1) Misconduct, fraud, or irregularity by any primary or election official or officials sufficient to change or place in doubt the result;
- (2) When the defendant is ineligible for the nomination or office in dispute;
- (3) When illegal votes have been received or legal votes rejected at the polls sufficient to change or place in doubt the result;
- (4) For any error in counting the votes or declaring the result of the primary or election, if such error would change the result;
- (5) For any other cause which shows that another was the person legally nominated, elected, or eligible to compete in a run-off primary or election.

Current through end of the 2004 First Special Session

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HAWAII REVISED STATUTES ANNOTATED
DIVISION 1. GOVERNMENT
TITLE 2. ELECTIONS
CHAPTER 11. ELECTIONS, GENERALLY
PART XI. ELECTION CONTESTS

→§ 11-174.5 Contests for cause in general, special general, special, and runoff elections.

(a) In general, special general, special, or runoff elections, the complaint shall be filed in the office of the clerk of the supreme court not later than 4:30 p.m. on the twentieth day following the general, special general, special, or runoff election and shall be accompanied by a deposit for costs of court as established by rules of the supreme court. The clerk shall issue to the defendants named in the complaint a summons to appear before the supreme court not later than 4:30 p.m. on the tenth day after service thereof.

(b) In cases involving general, special general, special, or runoff elections the complaint shall be heard by the supreme court in which the complaint was filed as soon as it reasonably may be heard. On the return day, the court, upon its motion or otherwise, may direct summons to be issued to any person who may be interested in the result of the proceedings.

At the hearing, the court shall cause the evidence to be reduced to writing and shall give judgment, stating all findings of fact and of law. The judgment may invalidate the general, special general, special, or runoff election on the grounds that a correct result cannot be ascertained because of a mistake or fraud on the part of the precinct officials; or decide that a certain candidate, or certain candidates, received a majority or plurality of votes cast and were elected. If the judgment should be that the general, special general, special, or runoff election was invalid, a certified copy thereof shall be filed with the governor, and the governor shall duly call a new election to be held not later than one hundred twenty days after the judgment is filed. If the court shall decide which candidate or candidates have been elected, a copy of that judgment shall be served on the chief election officer or county clerk, who shall sign and deliver to the candidate or candidates certificates of election, and the same shall be conclusive of the right of the candidate or candidates to the offices.

Current through 2003 Regular and Special Sessions

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IDAHO CODE
TITLE 34. ELECTIONS
CHAPTER 20. ELECTION CONTESTS OTHER THAN LEGISLATIVE AND STATE EXECUTIVE OFFICES
 →34-2001 Grounds of contest.

The election of any person to any public office, the location or relocation of a county seat, or any proposition submitted to a vote of the people may be contested:

1. For malconduct, fraud, or corruption on the part of the judges of election in any precinct, township or ward, or of any board of canvassers, or any member of either board sufficient to change the result.
2. When the incumbent was not eligible to the office at the time of the election.
3. When the incumbent has been convicted of felony, unless at the time of the election he shall have been restored to civil rights.
4. When the incumbent has given or offered to any elector, or any judge, clerk or canvasser of the election, any bribe or reward in money or property for the purpose of procuring his election, or has committed any violation as set out in chapter 23, title 18, Idaho Code.
5. When illegal votes have been received or legal votes rejected at the polls sufficient to change the result.
6. For any error in any board of canvassers in counting votes or in declaring the result of the election, if the error would change the result.
7. When the incumbent is in default as a collector and custodian of public money or property.
8. For any cause which shows that another person was legally elected.

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IDAHO CODE
TITLE 34. ELECTIONS
CHAPTER 20. ELECTION CONTESTS OTHER THAN LEGISLATIVE AND STATE EXECUTIVE OFFICES
→**34-2021 Form of judgment.**

The judgment of the court in cases of contested election shall confirm or annul the election according to the right of the matter; or, in case the contest is in relation to the election of some person to an office, shall declare as elected the person who shall appear to be duly elected or, in the alternative, order the office to be filled according to chapter 9, title 59, Idaho Code, or order a new election to be held at a time and place as determined by the court.

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IDAHO CODE
TITLE 34. ELECTIONS
CHAPTER 21. ELECTION CONTESTS -- LEGISLATIVE AND STATE EXECUTIVE OFFICES
 →34-2101 Grounds of contest.

The election of any person to any legislative or state executive office may be contested:

1. For malconduct, fraud or corruption on the part of the judges of election in any precinct, township or ward, or of any board of canvassers, or by any member of either board sufficient to change the result;
2. When the incumbent was not eligible to the office at the time of the election;
3. When the incumbent has been convicted of felony, unless at the time of the election he shall have been restored to civil rights;
4. When the incumbent has given or offered to any elector, or any judge, clerk, or canvasser of the election, any bribe or reward in money or property, for the purpose of procuring his election, or has committed any violation as set out in chapter 23, title 18, Idaho Code;
5. When illegal votes have been received or legal votes rejected at the polls sufficient to change the result;
6. For any error in any board of canvassers in counting votes or in declaring the result of the election, if the error would change the result;
7. When the incumbent is in default as a collector and custodian of public money or property;
8. For any cause which shows that another person was legally elected.

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I.C.A. § 57.1

IOWA CODE ANNOTATED

TITLE II. ELECTIONS AND OFFICIAL DUTIES

SUBTITLE 1. ELECTIONS

CHAPTER 57. CONTESTING ELECTIONS--GENERAL PROVISIONS

→57.1. Standing to bring contest--grounds for contest

1. Elections may be contested under this chapter as follows:

a. The election of any person to any county office, to a seat in either branch of the general assembly, to a state office, to the office of senator or representative in Congress, or to the office of presidential elector may be contested by any eligible person who received votes for the office in question.

b. The outcome of the election on a public measure may be contested by petition of the greater of ten eligible electors or a number of eligible electors equalling one percent of the total number of votes cast upon the public measure; each petitioner must be a person who was entitled to vote on the public measure in question or would have been so entitled if registered to vote.

2. Grounds for contesting an election under this chapter are:

a. Misconduct, fraud or corruption on the part of any election official or of any board of canvassers of sufficient magnitude to change the result of the election.

b. That the incumbent was not eligible to the office in question at the time of election.

c. That prior to the election the incumbent had been duly convicted of a felony, as defined in [section 701.7](#), and that the judgment had not been reversed, annulled, or set aside, nor the incumbent pardoned or restored to the rights of citizenship by the governor under chapter 914, at the time of the election.

d. That the incumbent has given or offered to any elector, or any precinct election official or canvasser of the election, any bribe or reward in money, property, or thing of value, for the purpose of procuring the incumbent's election.

e. That illegal votes have been received or legal votes rejected at the polls, sufficient to change the result of the election.

f. Any error in any board of canvassers in counting the votes, or in declaring the result of the election, if the error would affect the result.

g. That the public measure or office was not authorized or required by state law to appear on the ballot at the election being contested.

h. Any other cause or allegation which, if sustained, would show that a person other than the incumbent was the person duly elected to the office in question, or would show the outcome of the election on the public measure in question was contrary to the result declared by the board of canvassers.

Current through Laws effective July 1, 2004.

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I.C.A. § 57.4

IOWA CODE ANNOTATED

TITLE II. ELECTIONS AND OFFICIAL DUTIES

SUBTITLE 1. ELECTIONS

CHAPTER 57. CONTESTING ELECTIONS--GENERAL PROVISIONS

→57.4. Change of result

When the misconduct, fraud, or corruption complained of is on the part of the precinct election officials in a precinct, it shall not be held sufficient to set aside the election, unless the rejection of the vote of that precinct would change the result as to that office.

Current through Laws effective July 1, 2004.

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KANSAS STATUTES ANNOTATED
CHAPTER 25.--ELECTIONS
ARTICLE 14.--CONTEST OF ELECTIONS

➔25-1448. Final determination of contest of person elected to office; disposition by court; applicability of section.

Upon final determination of a contest of an election to an office by the court, after the time for appeal thereof specified in [K.S.A. 25-1450](#), and amendments thereto, has expired, or in case of an appeal, upon the final judicial determination of the contest, if the contestant succeeds in the contest, the court may invalidate and revoke any election certificate which has been issued to the contestee, and the secretary of state or county election officer authorized to issue the certificate of election shall issue the certificate to the person the court finds is entitled thereto; except that in cases where the court has found that the contestant prevails in the contest on the grounds provided for in subsection (a), (b), (c) or (e) of [K.S.A. 25-1436](#), and amendments thereto, then the court may order another election for such office to be held within 45 days after the date of such order or may make such other orders as the court deems appropriate. This section shall not apply to any contest of the office of state senator or member of the house of representatives.

Current through the 2003 Regular Session

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KRS § 120.065

BALDWIN'S KENTUCKY REVISED STATUTES ANNOTATED
TITLE X. ELECTIONS
CHAPTER 120. ELECTION CONTESTS
PRIMARY ELECTIONS

→**120.065 Evidence in primary contest; trial; judgment**

Each party to a contest instituted under [KRS 120.055](#) shall be entitled, in the production of evidence to be used on the trial thereof, to all the remedies allowed in cases at law and in equity. In trying the contest the court shall hear and determine all questions of law and fact without the intervention of a jury, and may examine the witnesses orally or require or permit the parties to take the evidence by depositions. If the evidence is taken orally either party may require it to be taken by the official reporter for the court, to be taken and transcribed and paid for as evidence in other civil actions. The court may require the contestant, or the person who has the burden of proof under the issue joined, to complete his proof in not less than fifteen (15) days after service of summons, and the contestee, or the person not having the burden, to complete his proof in not less than ten (10) days after filing an answer. Each party may be given one (1) day additional for producing evidence in rebuttal and no greater time shall be extended, unless the court is satisfied that the ends of justice demand it. The court shall, immediately after the evidence is concluded, consider the contest and determine it. If it appears from an inspection of the whole record that there has been such fraud, intimidation, bribery or violence in the conduct of the election that neither contestant nor contestee can be adjudged to have been fairly nominated, the court may adjudge that there has been no election, in which event the nomination shall be deemed vacant. The judgment of the court shall be filed in the office of the Circuit Court clerk.

Current through End of 2004 First Extraordinary Session

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VERNON'S ANNOTATED MISSOURI STATUTES
TITLE IX. SUFFRAGE AND ELECTIONS
CHAPTER 115. ELECTION AUTHORITIES AND CONDUCT OF ELECTIONS
ELECTION CONTESTS

→115.593. New election ordered, when

If the court or legislative body trying a contested election determines there were irregularities of sufficient magnitude to cast doubt on the validity of the initial election, it may order a new election for the contested office or on the contested question. The order shall set the date of the election and shall be sent by the clerk of the court or the secretary of the senate or the chief clerk of the house of representatives, as the case may be, to each election authority responsible for conducting the special election. In its order, the court or legislative body shall specify the name of each candidate for the office to be voted on at the special election, or the ballot title of the question to be voted on at the special election, and the election shall be conducted and the votes counted as in other elections. Notice of the election shall be given in such manner as the court or legislative body directs. The person receiving the highest number of votes at the special election shall be deemed elected and entitled to assume office, or the question submitted at the special election shall be deemed approved if a majority of the votes at the special election are cast in favor of the question.

Current through the end of the 2004 Regular Session of the 92nd
General Assembly

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MONTANA CODE ANNOTATED
TITLE 13. ELECTIONS
CHAPTER 36. CONTESTS
PART 2. PROCEDURE

→ **13-36-202. Reception of illegal votes -- allegations and evidence**

When the reception of illegal votes is alleged as a cause of contest, it shall be sufficient to state generally that in one or more specified voting precincts illegal votes were given to the candidate whose nomination or election is contested which, if taken from him, will reduce the number of his legal votes below the number of legal votes given to some other candidate for the same office. No testimony shall be received of any illegal votes unless the party contesting such election delivers to the opposite party, at least 3 days before such trial, a written list of the number of illegal votes (and by whom given) which he intends to prove on such trial. This provision shall not prevent the contestant from offering evidence of illegal votes not included in such statement if he did not know and by reasonable diligence was unable to learn of such additional illegal votes (and by whom they were given) before delivering such written list.

Current through the 2003 Regular Session of the 58th Legislature

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N.J.S.A. 19:29-1

NEBRASKA REVISED STATUTES OF 1943
CHAPTER 32. ELECTIONS
ARTICLE 11. CONTEST OF ELECTIONS AND RECOUNTS

→§ 32-1101. Contest of election; applicability of sections; grounds.

Sections 32-1101 to 32-1117 shall apply to contests of any election. The election of any person to an elective office, the location or relocation of a county seat, or any proposition submitted to a vote of the people may be contested:

- (1) For misconduct, fraud, or corruption on the part of an election commissioner, a county clerk, an inspector, a judge or clerk of election, a member of a counting or canvassing board, or an employee of the election commissioner or county clerk sufficient to change the result;
- (2) If the incumbent was not eligible to the office at the time of the election;
- (3) If the incumbent has been convicted of a felony unless at the time of the election his or her civil rights have been restored;
- (4) If the incumbent has given or offered to any voter or an election commissioner, a county clerk, an inspector, a judge or clerk of election, a member of a counting or canvassing board, or an employee of the election commissioner or county clerk any bribe or reward in money, property, or thing of value for the purpose of procuring his or her election;
- (5) If illegal votes have been received or legal votes rejected at the polls sufficient to change the results;
- (6) For any error of any board of canvassers in counting the votes or in declaring the result of the election if the error would change the result;
- (7) If the incumbent is in default as a collector and custodian of public money or property; or
- (8) For any other cause which shows that another person was legally elected.

When the misconduct is on the part of an election commissioner, a county clerk, an inspector, a judge or clerk of election, a member of a counting or canvassing board, or an employee of the election commissioner or county clerk, it shall be insufficient to set aside the election unless the vote of the county, precinct, or township would change the result as to that office.

Current through Second Regular Session of the 98th Legislature (2004)

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N.R.S. 293.410

NEW JERSEY STATUTES ANNOTATED

TITLE 19. ELECTIONS

SUBTITLE 5. RECOUNTS AND CONTESTS--ANY ELECTION

CHAPTER 29. CONTEST OF NOMINATIONS OR ELECTIONS--ANY ELECTION

→19:29-1. Grounds stated

The nomination or election of any person to any public office or party position, or the approval or disapproval of any public proposition, may be contested by the voters of this State or of any of its political subdivisions affected thereby upon 1 or more of the following grounds:

- a. Malconduct, fraud or corruption on the part of the members of any district board, or of any members of the board of county canvassers, sufficient to challenge the result;
- b. When the incumbent was not eligible to the office at the time of the election;
- c. When the incumbent had been duly convicted before such election of any crime which would render him incompetent to exercise the right of suffrage, and the incumbent had not been pardoned at the time of the election;
- d. When the incumbent had given or offered to any elector or any member of any district board, clerk or canvasser, any bribe or reward, in money, property or thing of value for the purpose of procuring his election;
- e. When illegal votes have been received, or legal votes rejected at the polls sufficient to change the result;
- f. For any error by any board of canvassers in counting the votes or declaring the result of the election, if such error would change the result;
- g. For any other cause which shows that another was the person legally elected;
- h. The paying, promise to pay or expenditure of any money or other thing of value or incurring of any liability in excess of the amount permitted by this title for any purpose or in any manner not authorized by this title;
- i. When a petition for nomination is not filed in good faith or the affidavit annexed thereto is false or defective.

The term "incumbent" means the person whom the canvassers declare elected or the person who is declared elected as a result of a recount; but in the case of a tie vote as a result of the canvass or recount, either party may contest the election, in which case the term "incumbent" means the person having an equal number of votes with the contestant.

Current through L.2004, c. 1 to 186

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WEST'S NEVADA REVISED STATUTES ANNOTATED
TITLE 24. ELECTIONS
CHAPTER 293. ELECTIONS
TIES, RECOUNTS AND CONTESTS

➔**293.410. Dismissal of statement of contest; grounds for contest**

1. A statement of contest shall not be dismissed by any court for want of form if the grounds of contest are alleged with sufficient certainty to inform the defendant of the charges he is required to meet.

2. An election may be contested upon any of the following grounds:

- (a) That the election board or any member thereof was guilty of malfeasance.
- (b) That a person who has been declared elected to an office was not at the time of election eligible to that office.
- (c) That illegal votes were cast and counted for the defendant, which, if taken from him, will reduce the number of his legal votes below the number necessary to elect him.
- (d) That the election board, in conducting the election or in canvassing the returns, made errors sufficient to change the result of the election as to any person who has been declared elected.
- (e) That the defendant has given, or offered to give, to any person a bribe for the purpose of procuring his election.
- (f) That there was a possible malfunction of any voting or counting device.

Current through the 2004 21st Special Session of the 72nd Legislature and the 2004 Revisions by the Legislative Counsel Bureau

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26 Okl.St. Ann. § 8-120

NORTH DAKOTA CENTURY CODE
TITLE 16.1. ELECTIONS
CHAPTER 16.1-16. CONTEST OF ELECTIONS

→ 16.1-16-08 Judgment in election contest action.

1. The judge in an election contest action shall pronounce judgment on which candidate was elected or nominated and whether any question or proposition was approved or rejected.
2. The appropriate officer shall issue a certificate to the person declared elected or nominated in accordance with the judgment. Any certificate of nomination or election previously issued that is in conflict with the judgment is annulled by the court's judgment.
3. If the court declares that the election resulted in a tie, the election must be determined by law.
4. If the court declares that no one was elected or nominated and sets aside the election, the office must be deemed vacant and any certificate of election or nomination previously issued is annulled. The vacancy must be filled according to law. This subsection does not apply if an incumbent is in office and is entitled to serve until a successor is duly elected and qualified, in which event the incumbent may only be removed by impeachment.
5. In the discretion of the court, court costs may be awarded on the following bases:
 - a. If the contest action is dismissed for insufficient evidence or want of prosecution, or if the court confirms the election results, judgment for costs must be for the contestee and against the contestant.
 - b. If an election is annulled for errors or malfeasance of any election official during any part of the election procedure, the costs must be a charge against the state or political subdivision in which the election was held.
 - c. When an election is annulled on any other ground or when the contestant is declared elected, judgment for costs must be for the contestant and against the contestee.
6. Nothing in this chapter may be construed to authorize a nomination or election to be set aside because of illegal votes unless either of the following is shown, that:
 - a. The contestee had knowledge of or connived in the illegal votes.
 - b. If the number of illegal votes is taken from the contestee, it would reduce the number of the contestee's legal votes below the number of votes cast for some other person for the same nomination or election, after deducting any illegal votes from the other person.

Current through 2003 General and Special Sessions.

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26 Okl.St. Ann. § 8-120

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26 Okl.St. Ann. § 8-122

OKLAHOMA STATUTES ANNOTATED
TITLE 26. ELECTIONS
CHAPTER A1. **ELECTION CODE**
ARTICLE VIII. CERTIFICATIONS AND CONTESTS

→§ **8-120. Petition alleging irregularities--Procedure**

When a petition alleging irregularities other than fraud is filed, said petition must allege a sufficient number of irregularities and of such nature as to:

1. Prove that the contestant is lawfully entitled to be certified the party's nominee or to be issued a certificate of election, or to have his name appear on the Runoff Primary Election ballot; or
2. Prove that it is impossible to determine with mathematical certainty which candidate is entitled to be certified as the party's nominee or to be issued a certificate of election, or to have his name appear on the Runoff Primary Election ballot.

Additional irregularities may be presented at the hearing if not known to the contestant at the time the petition is filed. If such allegations are not made, the petition shall be deemed frivolous by the presiding judge and shall be dismissed. Said petition must be accompanied by either a cashier's check or certified check in the amount of Two Hundred Fifty Dollars (\$250.00) for each county affected by the petition. Said petition must set forth specific allegations of irregularities in certain precincts or in the casting of absentee ballots. If said petition is filed in the manner herein provided, the district judge of the county or such other judge as may be assigned by the Supreme Court shall hear and determine said issue in the same manner as provided for a petition alleging fraud. On the day of the hearing, the contestee may file an answer to the petition or may file a cross petition setting forth in detail, as required of petitioner herein, such claim of irregularities. A cross petition must be accompanied by either a cashier's check or certified check in the amount of Two Hundred Fifty Dollars (\$250.00) for each county affected by the cross petition. Deposits shall be used to defray actual costs as provided for recounts.

Current through the end of the 2004 Second Regular Session

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O.R.S. § 258.026

OKLAHOMA STATUTES ANNOTATED
TITLE 26. ELECTIONS
CHAPTER A1. **ELECTION CODE**
ARTICLE VIII. CERTIFICATIONS AND CONTESTS

→§ 8-122. Determination of successful party impossible--Procedure--Governor to call special election

In the event, after a hearing is conducted, it is deemed impossible to determine who should be certified as the party's nominee or to whom a certificate of election shall be issued, or which candidates are entitled to have their names appear on the Runoff Primary Election ballot, the judge shall notify the appropriate election board secretary of same. It shall then be the duty of the election board secretary to notify the Governor of said decision. The Governor shall then order a new election to be conducted as soon as is practicable in the same manner as the contested election, with the identical candidates, provided that any candidate upon whom fraud has been proved shall not be a candidate in the new election. Provided further, the above shall not apply to elections resulting in tie votes, which elections shall be determined as provided by law.

Current through the end of the 2004 Second Regular Session

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V.T.C.A., Election Code § 232.041

Formerly cited as OR ST § 251.035

WEST'S OREGON REVISED STATUTES ANNOTATED
TITLE 23. ELECTIONS
CHAPTER 258. ELECTION CONTESTS; RECOUNTS
ELECTION CONTESTS

➔**258.026. Setting aside of election results; necessary conditions**

(1) The nomination or election of a person shall not be set aside for any cause listed in [ORS 258.016 \(3\)](#) to [\(5\)](#) unless:

(a) The person nominated or elected had knowledge of or connived in the cause of the contest; or

(b) The number of votes taken from the person nominated or elected by reason of the cause of the contest would reduce the legal votes of the person below the number of legal votes given to another person for the same nomination or office.

(2) The nomination or election of a person shall not be set aside for the cause described in [ORS 258.016 \(6\)](#) unless it can be determined that the nomination or election would have been given to one of the candidates other than the candidate nominated or elected if all votes not cast or tallied due to the error had been cast or tallied for the other candidate.

(3) The approval or rejection of a measure shall not be set aside unless it appears that:

(a) The number of votes taken from the approval or rejection by reason of the contest would reverse the outcome of the election; or

(b) The outcome of the election would have been reversed if all votes not cast or tallied due to an error under [ORS 258.016 \(6\)](#) had been cast or tallied for approval or rejection of the measure.

Current through end of the 2003 Reg. Sess.

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VERNON'S TEXAS STATUTES AND CODES ANNOTATED
ELECTION CODE

TITLE 14. ELECTION CONTESTS

SUBTITLE B. CONTESTS IN DISTRICT COURT

CHAPTER 232. CONTESTS FOR OFFICE

SUBCHAPTER B. COURT-ORDERED ELECTION FOLLOWING JUDGMENT OF VOID ELECTION

→§ 232.041. New Election Ordered if Contested Election Void

In an election contest in which the contested election is declared void, the court shall include in its judgment an order directing the appropriate authority to order a new election.

Current through the end of the 2004 Fourth Called Session

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WEST'S UTAH CODE ANNOTATED
TITLE 20A. ELECTION CODE
CHAPTER 4. ELECTION RETURNS AND ELECTION CONTESTS
PART 4. RECOUNTS AND ELECTION CONTESTS

→§ 20A-4-402. Election contests--Grounds

(1) The election or nomination of any person to any public office, and the declared result of the vote on any ballot proposition submitted to a vote of the people may be contested according to the procedures established in this part only:

(a) for malconduct, fraud, or corruption on the part of the judges of election at any polling place, or of any board of canvassers, or any judge or member of the board sufficient to change the result;

(b) when the person declared elected was not eligible for the office at the time of the election;

(c) when the person declared elected has:

(i) given or offered to any registered voter, judge, or canvasser of the election any bribe or reward in money, property, or anything of value for the purpose of influencing the election; or

(ii) committed any other offense against the elective franchise;

(d) when illegal votes have been received or legal votes have been rejected at the polls sufficient to change the result;

(e) for any error of any board of canvassers or judges of election in counting the votes or declaring the result of the election, if the error would change the result;

(f) when the election result would change because a sufficient number of ballots containing uncorrected errors or omissions have been received at the polls;

(g) when the candidate declared elected is ineligible to serve in the office to which the candidate was elected;

(h) when an election judge or clerk was a party to malconduct, fraud, or corruption sufficient to change the result of the election; and

(i) for any other cause that shows that another person was legally elected.

(2) Any irregularity or improper conduct by the election judges does not void an election unless the irregularity or improper conduct would result in the election of a person who did not receive the highest number of legal votes.

(3) When any election held for any office is contested because of any irregularity or improper conduct on the part of a judge of any voting precinct, a court, upon proof of the irregularity or improper conduct may not set aside the election unless the irregularity or improper conduct would change the result for that office.

The statutes are current through the 2004 Fourth Special Session. The Constitution is current with amendments approved at the Nov. 2, 2004 election.