

**TITLE 1: GOVERNMENT**  
**DIVISION 6: ELECTIONS**

**§ 6605. Election Contest: Court Hearing; Recount.**

(a) At the hearing the ballots shall be recounted in the presence of all parties, where it appears from the complaint that actual prejudice occurred making a recount necessary for the proper determination of the contest. If two or more statements of contest are filed requiring a recount, the Commission may join the action of the contestants for the purpose of recounting the votes.

(b) If the statements of the cause of the contest are insufficient, the court may dismiss the proceedings for lack of evidence or for want of prosecution.

(c) The court shall hear and determine all issues arising in contested elections, except that the Commonwealth Election Commission's determinations concerning the intent of a voter in marking a ballot are unreviewable and shall not be judicially disturbed. After hearing the evidence and within five days of the submission thereof, the court shall issue its findings of fact and conclusions of law, and immediately thereafter announce judgment in the case, either confirming, or reversing the result of the election.

(d) A quorum of the Commonwealth Election Commission will conduct the recount in the presence of the Court. The quorum will be responsible for the recount and determining marks on ballots and envelopes and determining the intent of the voter.

**Source:** Repealed and reenacted by PL 12-18, § 2 (6605); (a) and (c) amended and (d) added by PL 17-11 § 22 (August 12, 2010), modified.