

12-204. JUDGMENT.

(A) GENERALLY.

THE COURT MAY PROVIDE A REMEDY AS PROVIDED IN SUBSECTION (B) OR (C) OF THIS SECTION IF THE COURT DETERMINES THAT THE ALLEGED ACT OR OMISSION MATERIALLY AFFECTED THE RIGHTS OF INTERESTED PARTIES OR THE PURITY OF THE ELECTIONS PROCESS AND:

(1) MAY HAVE CHANGED THE OUTCOME OF AN ELECTION ALREADY HELD; OR

(2) MAY CHANGE THE OUTCOME OF A PENDING ELECTION.

(B) ACT OR OMISSION THAT CHANGED ELECTION OUTCOME.

IF THE COURT MAKES AN AFFIRMATIVE DETERMINATION THAT AN ACT OR OMISSION WAS COMMITTED THAT CHANGED THE OUTCOME OF AN ELECTION ALREADY HELD, THE COURT SHALL:

(1) DECLARE VOID THE ELECTION FOR THE OFFICE OR QUESTION INVOLVED AND ORDER THAT THE ELECTION BE HELD AGAIN AT A DATE SET BY THE COURT; OR

(2) ORDER ANY OTHER RELIEF THAT WILL PROVIDE AN ADEQUATE REMEDY.

(C) ACT OR OMISSION THAT MAY CHANGE OUTCOME OF PENDING ELECTION.

IF THE COURT MAKES AN AFFIRMATIVE DETERMINATION THAT AN ACT OR OMISSION HAS BEEN COMMITTED THAT MAY CHANGE THE OUTCOME OF A PENDING ELECTION, THE COURT MAY:

(1) ORDER ANY RELIEF IT CONSIDERS APPROPRIATE UNDER THE CIRCUMSTANCES; AND

(2) IF THE COURT DETERMINES THAT IT IS THE ONLY RELIEF THAT WILL PROVIDE A REMEDY, DIRECT THAT THE ELECTION FOR THE OFFICE OR QUESTION INVOLVED BE POSTPONED AND RESCHEDULED ON A DATE SET BY THE COURT.

(D) CLEAR AND CONVINCING EVIDENCE.

A DETERMINATION OF THE COURT UNDER SUBSECTION (A) OF THIS SECTION SHALL BE BASED ON CLEAR AND CONVINCING EVIDENCE.