

**Effective 5/12/2020**

**20A-4-303 Duties of the board of canvassers -- Canvassing the returns.**

- (1)
  - (a) Before the board of canvassers convenes, the election officer shall:
    - (i) count the ballots;
    - (ii) prepare a certified summary of:
      - (A) all ballots counted; and
      - (B) all ballots not counted, with an explanation regarding the reason the ballots were not counted; and
    - (iii) make available to the board of canvassers for inspection, all ballots, registers, books, and forms related to the election.
  - (b) The board of canvassers shall canvass the election returns by publicly:
    - (i) reviewing the summary reports prepared by the election officer and any ballots, registers, books, or forms requested by the board of canvassers; and
    - (ii) certifying the votes cast:
      - (A) each person voted for; and
      - (B) for and against each ballot proposition voted upon at the election.
  - (c) The board of canvassers shall, once having begun the canvass, continue until it is completed.
- (2) In canvassing returns, the board of canvassers may not:
  - (a) reject any election returns if the board can determine the number of votes cast for each person from it;
  - (b) reject any election returns if the election returns:
    - (i) do not show who administered the oath to the judges of election;
    - (ii) show that the election judges failed to fill out all the certificates in the pollbooks; or
    - (iii) show that the election judges failed to do or perform any other act in preparing the returns that is not essential to determine for whom the votes were cast; or
  - (c) reject any returns from any voting precinct that do not conform with the requirements for making, certifying, and returning the returns if those returns are sufficiently explicit to enable the board of canvassers to determine the number of votes cast for each person and for and against each ballot proposition.
- (3)
  - (a) If it clearly appears to the election officer and board of canvassers that certain matters are omitted or that clerical mistakes exist in election returns received, the election officer shall correct the omissions and mistakes.
  - (b) The clerk and the board of canvassers may adjourn from day to day to await receipt of corrected election material.
- (4) If a recount is conducted as authorized by Section 20A-4-401, the board of canvassers shall canvass the results of that recount as provided in this section and Section 20A-4-401.

Amended by Chapter 31, 2020 General Session