

20A-4-404 Election contest -- Calendaring and disposition.

- (1)
 - (a) Upon receipt of the petition, the clerk shall inform the chief judge of the court having jurisdiction.
 - (b) The chief judge shall issue an order:
 - (i) assigning the case to a district court judge, if the district court has jurisdiction; and
 - (ii) setting a date and time, not less than 10 nor more than 30 days from the date the petition was filed to hear and determine the contest.
 - (c) The clerk shall:
 - (i) issue a subpoena for the person whose right to the office is contested to appear at the time and place specified in the order; and
 - (ii) cause the subpoena to be served.
- (2) The court shall meet at the time and place designated to determine the contest.
- (3)
 - (a) If it is necessary for the court to inspect the ballots of any voting precinct in order to determine any election contest the judge may order the proper officer to produce them.
 - (b) The judge shall:
 - (i) open and inspect the ballots in open court in the presence of the parties or their attorneys; and
 - (ii) immediately after the inspection, seal them in an envelope and return them, by mail or otherwise, to their legal custodian.
- (4)
 - (a) If the petition, response, or counterclaim alleges an error in the canvass sufficient to change the result, the court may order and conduct a recount of the ballots or vote tabulation.
 - (b) The court may also require the production of any documents, records, and other evidence necessary to enable it to determine the legality or illegality of any vote cast or counted.
 - (c)
 - (i) After all the evidence in the contest is submitted, the court shall enter its judgment, either confirming the election result or annulling and setting aside the election.
 - (ii) If the court determines that a person other than the one declared elected received the highest number of legal votes, the court shall declare that person elected.

Enacted by Chapter 1, 1993 General Session