



# **AFTER THE POLLS HAVE CLOSED: CANVASSING THE VOTE AND RECOUNT**

2022 Statutory Town Webinar Series, Part IV  
Colorado Municipal League

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# AFTER THE POLLS HAVE CLOSED

- Election judges tally the votes and indicate the vote for all candidates and ballot items (using numbers) on a tally sheet. The tally sheet includes the following information:
  - Votes for each candidate and ballot item
  - Place for judges' initials
- Upon completing the count, a copy of the tally sheet, along with the counted ballots, shall be returned to the ballot box, sealed, and the seal sheet initialed.
- Any ballots not counted, those for which votes cannot be determined or are overvotes and undervotes, shall be set aside and not tallied.
- Election judges also create a judges' certificate, which should be prepared prior to the election. The judges' certificate, written in words, provides information on the voter for each candidate and ballot item. The language used on the judges' certificate can be found in **31-10-613(1)**

# AFTER THE POLLS HAVE CLOSED

- The judges shall prepare a third form containing the following information:
  - Number of ballots delivered to voters
  - Number of ballots voted
  - Number of spoiled ballots
  - Number of ballots not delivered to voters
- The judges shall prepare a fourth, and final form, the abstract of votes containing the following information:
  - Names of offices
  - Names of candidates, ballot titles and submission clauses of all items
  - Number of votes counted for or against each candidate or measure
- The abstract of votes shall be posted in a conspicuous place on the outside of the polling location

# CANVASS

- Canvass: “to examine carefully; scrutinize, to make a thorough examination” (sometimes called ‘survey’)
- The purpose of the canvass is to review the election results, as determined by the election judges, and to verify those results
- The canvass is **NOT** a recount.
- Canvass is conducted by clerk and mayor; if there is no mayor or the mayor was a candidate for election, clerk shall appoint:
  - Municipal judge; or
  - Member of the election commission or
  - Person who is qualified to be an election judge and did not serve as one in the election **CRS 31-10-1201**

# CANVASS

- Canvass can be completed as early as election night, depending on circumstances shown below, and must be completed no later than 10 days after the election
  - If ballots have been sent to UOCAVA-covered voters, the canvass cannot be completed until all possible ballots have been received (no later than 8 days after the election)
  - If conducting a mail ballot election, the canvass cannot be completed until all discrepant signatures on the return envelopes have been 'cured' (no later than 8 days after the election)
- Election results are considered to be 'unofficial' until after the canvass has been completed.
- Elected candidates should not be sworn in until after the canvass has been completed.

# CANVASS

- Things to look for when conducting the canvass:
  - Returns include all information required by law (substantial compliance is the standard)
  - Omissions or clerical mistakes – These shall be corrected by the judges of election **31-10-1203**
  - Tie votes – At the time of the canvass, tie votes are broken by lot when an equal number of votes for the same office have been received for the same office and there aren't enough offices remaining for all such candidates. Reasonable notice shall be given of the time when the tie will be broken.
  - **The need for a recount is determined at the time the canvass is performed and not before.**

# CERTIFICATE OF ELECTION

- Once the canvass has been completed, clerk shall prepare a Certificate of Election, from the abstract of votes, that includes the following:
  - Names of candidates and listing of all ballot items
  - Total votes cast for each candidate and ballot item (absentee ballot votes can be in a separate column from those cast on election day, although can be combined)
  - Signature of clerk and person who assisted clerk in the canvass
- Certificate of election is:
  - Filed in municipal clerk's office
  - Published in a newspaper of general circulation within the municipality (or posted if no such newspaper exists)
  - Filed with the division of local government in the CO Dept. of Local Affairs **31-10-1205**
  - Filed with CML

# OVERLAPPING 4-YEAR TERMS OF OFFICE

- If the election included 4-year overlapping terms and one of the candidates was being chosen to fill a vacancy that would not normally be filled at the election:
  - The 4-year terms shall go to the candidates receiving the highest number of votes **CRS 31-10-1205(1.5)**



# RECOUNT

- A required recount occurs when the difference between the highest and next highest number of votes is less than or equal to  $\frac{1}{2}$  of 1% of the highest number of votes cast.
  - The recount can be held for any of the positions that were voted on.
- A required recount shall be completed no later than the fifteenth day following the election. Affected candidates and petitioners shall be allowed to be present.

# RECOUNT

- Any candidate or interested party may request that a recount be conducted at his expense.
- The request for the recount must be filed with the clerk within 10 days after the election and the recount must be completed no later than the fifteenth day after the election.

# RECURRING ELECTION ISSUES

- Criteria for including/excluding signatures on nomination petitions
- Election provisions in code at odds with state statute
- Pre-mature concerns about cancelling the election
- Pre-mature concerns about need for a recount
- Handling write-in candidates
- Cancelling an election when both full and shortened terms are on the same ballot
- Difference between term of office and person who is in office
- Poor record keeping regarding the filling of vacancies, who is eligible to run, and term limits
- Unfamiliarity with election code provisions; reliance on others

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  - Apr. 14, 2022: Debrief and Tales to Tell

# CML 2021 Election Book

- One free copy mailed to all members in early November
  - If your municipality did not receive one, please contact Melissa Mata at [mmata@cml.org](mailto:mmata@cml.org)
- More copies available for purchase at the CML store: [www.cml.org](http://www.cml.org)
- PDF versions are available for free for members
  - Add the PDF to your cart
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