

CANVASSING THE VOTE

Colorado Municipal League
March 14, 2018

AFTER THE POLLS HAVE CLOSED

- Election judges tally the votes and indicate the vote for all candidates and ballot items (using numbers) on a judges' certificate.
- The language used on the judges' certificate can be found in Title 31: **31-10-613(1)**
- Election judges shall also make a written statement that includes the following information **31-10-613(2)**. This statement is returned to the clerk along with unused ballots, spoiled ballots, and ballot stubs:
 - Number of ballots issued (polling place election)
 - Number of ballots voted (separate tallies for absentee and/or replacement ballots)
 - Number of ballots mailed out (mail ballot election)
 - Number of undeliverable ballots

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 (cont)

- 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, election results are not official until all possible ballots have been received (no later than 8 days after the election)
 - If conducting a mail ballot election, election results are not official 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 cannot be sworn in until after the canvass has been completed.

CANVASS (cont)

- 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 – 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.

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
 - Total votes cast for each candidate (absentee ballot votes can be in a separate column from those cast on election day)
 - 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

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)**