Resolution No. 13-30

RESOLUTION OF SOUTH OGDEN CITY ACTING AS THE MUNCIPAL BOARD OF CANVASSERS CONDUCTING AND APPROVING THE CANVASS AND ELECTIONS RESULTS FOR THE NOVEMBER 2013 GENERAL ELECTION; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of SOUTH OGDEN City ("City") is a municipal corporation duly organized and existing under the laws of Utah; and,

WHEREAS, in conformance with Utah Code ("UC") §10-3-717, the governing body of the city may exercise all administrative powers by resolution including, but not limited to regulating the use and operation of municipal property; and,

WHEREAS, the City Council finds, under the requirements of UC §20A-4-301, et.seq, that the mayor and the city council are the board of municipal canvassers for the municipality; and,

WHEREAS, the City Council finds that the board of municipal canvassers shall meet to canvass the returns at the usual place of meeting of the municipal legislative body no sooner than seven days and no later than fourteen days after the election; and,

WHEREAS, the City Council finds that the date of this current meeting, as set out below as the date of this resolution, is a date that complies with the statutory requirement as does the location where the meeting is being held; and,

WHEREAS, the City Council finds that the election returns from each voting precinct in which polls were opened have been received as of the time of meeting of this session of the board of canvassers; and,

WHEREAS, the City Council finds that the election returns have been canvassed by publicly opening the returns and determining from them the votes of each voting precinct as required by statute and that each of the following was reviewed and determined by such canvass: each person voted for; and, as may apply, those votes for and against each ballot proposition voted upon at the election; and,

WHEREAS, the City Council finds that the canvass, once having begun, was continued until it was completed; and,

WHEREAS, the City Council finds that in canvassing returns, the board of canvassers did not (a) reject any election returns if the board could 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 poll books; 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 were 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; and,

WHEREAS, the City Council finds that the board of canvassers, duly convened completed the required statutory duties: (a) declared "elected" or "nominated" those persons who: (i) had the highest number of votes; and (ii) sought election or nomination to an office completely within the board's jurisdiction; (b) declared: (i) "approved" those ballot propositions that: (A) had more "yes" votes than "no" votes; and (B) were submitted only to the voters within the board's jurisdiction; (ii) "rejected" those ballot propositions that: (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes" votes; and (B) were submitted only to the voters within the board's jurisdiction; (c) certified the vote totals for persons and for and against ballot propositions that were submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to the lieutenant governor; and,

WHEREAS, the City Council finds that when the election results were declared, the election officer prepared a report of the result, which contained: (i) the total number of votes cast in the board's jurisdiction; (ii) the names of each candidate whose name appeared on the ballot; (iii) the title of each ballot proposition that appeared on the ballot; (iv) each office that appeared on the ballot; (v) from each voting precinct: (A) the number of votes for each candidate; and (B) the number of votes for and against each ballot proposition; (vi) the total number of votes given in the board's jurisdiction to each candidate, and for and against each ballot proposition; and (vii) a statement certifying the information contained in the report is accurate; and,

WHEREAS, the City Council finds that the election officer and the board of canvassers: (i) reviewed the report to ensure it is correct; and (ii) signed the report; and, having performed, that the election officer then: (i) recorded or filed the certified report in a book kept for that purpose; (ii) prepared and transmitted a certificate of nomination or election under the officer's seal to each nominated or elected candidate; (iii) published a copy of the certified report in a newspaper with general circulation in the board's jurisdiction and post it in a conspicuous place within the jurisdiction; and (iv) filed a copy of the certified report with the lieutenant governor; and,

WHEREAS the City Council now desires to be in conformance with the requirements of law; and,

WHEREAS, the City finds that the public convenience and necessity requires the actions contemplated,

NOW, THEREFORE, BE IT RESOLVED by the City of SOUTH OGDEN:

SECTION 1 - CANVASS OF ELECTION RESULTS – NOVEMBER, 2013:

That the election results of the November, 2013 municipal general election, as certified to the Board of Municipal Canvassers, is ratified

and adopted in all of its relevant particulars, based on the findings set out hereinabove, as is otherwise required by law.

SECTION 2 - REPEALER OF CONFLICTING ENACTMENTS

All orders and resolutions regarding the changes enacted and adopted which have heretofore been adopted by the City, or parts, which are in conflict with this Resolution, are, to the extent of such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part, repealed.

SECTION 3 - PRIOR RESOLUTIONS

The body and substance of any and all prior Resolutions, with their specific provisions, where not otherwise in conflict with this Resolution, are reaffirmed and readopted.

SECTION 4 - SAVINGS CLAUSE

If any provision of this Resolution shall be held or deemed or shall be invalid, inoperative or unenforceable such reason shall not have the effect of rendering any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this being deemed the separate independent and severable act of the City Council of South Ogden City.

SECTION 5 - DATE OF EFFECT

This Resolution shall be effective on the 19th day of November, 2013, and after publication or posting as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, STATE OF UTAH, on this 19th day of November, 2013.

SOUTH OGDEN CITY

_____
James F. Minster
Mayor

ATTEST:

_____
Leesa Kapetanov
City Recorder

CITY RECORDER'S CERTIFICATE

November 19, 2013

Honorable Board Members:

I, Leesa Kapetanov, City Recorder in and for South Ogden City, Utah, do hereby certify that the attached report is a true and correct copy of the final tabulation of votes for the General Election held in South Ogden City on Tuesday, November 5, 2013.

Leesa Kapetanov
City Recorder

The *Official Canvass of Votes* for the November 5, 2013 Municipal General Election, convened in the Council Chambers of the South Ogden City Hall, on November 19, 2013. The results were presented to the board for certification.

The South Ogden City Board of Canvassers consisting of the following members hereby accepted the official results:

JAMES F. MINSTER
Mayor

WAYNE SMITH
~~Council Member~~ Mayor Pro-Tem

SALLEE ORR
Council Member

BRYAN BENARD
Council Member

RUSSELL PORTER
Council Member

BRENT STRATE
Council Member

Election Summary Report
Weber County, Utah
Municipal General Election
November 5, 2013
Summary For South Ogden City, All Counters, All Races
Official Election Results

Registered Voters 7935 - Cards Cast 1464 18.45%

Num. Report Precinct 12 - Num. Reporting 12 100.00%

SOUTH OGDEN CITY MAYOR	Total	
Number of Precincts	12	
Precincts Reporting	12	100.0 %
Total Votes	1461	
SMITH, WAYNE M.	587	40.18%
MINSTER, JAMES F.	872	59.69%
Write-in Votes	2	0.14%

SOUTH OGDEN CITY COUNCIL	Total	
Number of Precincts	12	
Precincts Reporting	12	100.0 %
Total Votes	2632	
PORTER, RUSSELL L.	1147	43.58%
MULHALL, LYNN E.	444	16.87%
BENARD, BRYAN K.	1028	39.06%
Write-in Votes	13	0.49%

South Ogden City Ballot Disposition Report

Municipal General Election

November 5, 2013

Summary of Votes Cast

Polling	894	11.27%
Early	276	3.48%
Absentee	294	3.71%
Total	**1,464**	**18.45%**

Provisional Ballot Summary

Counted		17
Not Counted	Already Voted	0
Not Counted	Incomplete Registration	0
Not Counted	Invalid	0
Not Counted	No Proof of Residency	0
Not Counted	Not Registered	4
Not Counted	Wrong Precinct	0
	Counted	**17**
	Not Counted	**4**