



WEST HAVEN CITY SPECIAL BOARD OF CANVASSERS MEETING AGENDA

December 5, 2023 6:00 p.m.

City Council Chambers

4150 South 3900 West, West Haven, UT 84401

NOTICE IS HEREIN GIVEN THAT ON **December 5, 2023** THE COUNCIL OF WEST HAVEN CITY, SERVING AS THE BOARD OF CANVASSERS, WILL HOLD THE FOLLOWING PUBLIC MEETING: **6:00 PM: SPECIAL BOARD OF CANVASSERS MEETING FOR THE PURPOSE OF CONDUCTING A CANVASS OF THE 2023 GENERAL ELECTION RESULTS. JOIN US DIGITALLY FOR THE WORK SESSION AND COUNCIL MEETING AT [HTTPS://US06WEB.ZOOM.US/J/81581435918](https://us06web.zoom.us/j/81581435918).**

1. MEETING CALLED TO ORDER

*****AGENDA ACTION ITEMS*****

CITY COUNCIL MAY TAKE ACTION ON THE FOLLOWING AGENDA ITEMS

2. ACTION ON RESOLUTION 44-2023

FOR THE PURPOSE OF ACCEPTING THE 2023 GENERAL ELECTION CANVASS RESULTS

3. ADJOURNMENT

Emily Green
Emily Green, City Recorder

In compliance with the Americans with Disabilities Act, persons needing special accommodations, including auxiliary communicative aids and services, for this meeting should notify the city recorder at 731-4519 or by email: shandar@westhavencity.com at least 48 hours in advance of the meeting.

CERTIFICATE OF POSTING

The undersigned, duly appointed city recorder, does hereby certify that the above notice and agenda has been posted in the West Haven City Recorder's office; at the West Haven City Complex on the Notice Board and at westhavencity.com; emailed to the Standard-Examiner with a request that it be posted in their Wednesday night meeting section; mailed and emailed to the West Haven City Mayor and each West Haven City Council Member who has email capacity and to the city attorney

Resolution No. 44-2023

**RESOLUTION OF WEST HAVEN CITY ACTING AS THE MUNICIPAL BOARD OF
CANVASSERS CONDUCTING AND APPROVING THE CANVASS AND ELECTIONS
RESULTS FOR THE NOVEMBER 2023 GENERAL ELECTION; AND, PROVIDING
FOR AN EFFECTIVE DATE.**

WHEREAS, the City Council of West Haven 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 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 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 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 West Haven:

SECTION 1 - CANVASS OF ELECTION RESULTS – NOVEMBER 2023:

That the election results of the November 2023 municipal general election, as certified to the Board of Municipal Canvassers, attached as **Attachment "A"**, 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 conflict with this Resolution, are, for 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 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 render no 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 West Haven City.

SECTION 5 - DATE OF EFFECT

This Resolution shall be effective on the 5th day of December 2023, and after publication or posting as required by law.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF WEST HAVEN CITY,
STATE OF UTAH,** on this 5th day of December 2023.

WEST HAVEN CITY

Mayor

ATTEST:

Emily Green
City Recorder