

Study of the State Election Commission

Additional Recommendation

This recommendation seeks to standardize municipal election protest time frames to mirror the state-wide election protest schedule. To accomplish this result, the State Election Commission recommends changing municipal election certification and protest schedule to be consistent with the schedule for county certification and protests. Attached is recommended revisions to law provided by the State Election Commission.

Recommendations

SECTION 5-15-80. Results of political party primaries; protests and contests.

The results of any political party primary shall be declared by the party conducting the election by 1:00 p.m. on Thursday following the primary. Protests and contests shall be filed in writing with the municipal party chairman no later than noon on Monday following certification ~~within two days after the day of the declaration of the results of the election~~ and the municipal party executive committee shall determine such protests on Thursday following the deadline to file a protest ~~within five days after the filing thereof~~. From the decision of the municipal party committee an appeal may be made to the Board of State Canvassers of Municipal Primaries as provided in Section 7-17-580. Notice and grounds of appeal must be filed in writing with the chairman of the Board of State Canvassers of Municipal Primaries within five days following the date on which the decision of the municipal committee is declared.

Any appeal thereafter shall be to the court of common pleas of the county in which the municipality is situate. Notice and grounds of appeal shall be served on the opposing parties or their attorneys within ten days following the decision of the Board of State Canvassers of Municipal Primaries.

SECTION 5-15-100. Functions, powers and duties of municipal election commission.

The municipal election commission shall be vested with the functions, powers and duties of Municipal Supervisors of Registration if no such supervisors have been appointed pursuant to Section 7-5-640, and shall also have the functions, powers and duties of commissioners of election, as set forth in Section 7-5-10 and other provisions of Title 7. The municipal election commission shall insure proper books of registration are provided for each ward or precinct, shall prepare and distribute ballots and election materials, appoint managers of election for each polling place and otherwise supervise and conduct all municipal, special and general elections. The managers shall ~~certify~~ report the results of the election to the commission within one day and the commission shall declare the results ~~results not later than three days~~ by 1:00 p.m. on Friday following the election.

Nominees in a party primary or party convention and nominees by petition shall be certified to the municipal election commission within the time specified herein and when so certified, the commission shall place the names of such nominees upon the ballots.

SECTION 5-15-130. Procedures for contesting results of election.

~~Within forty-eight hours after the closing of the polls~~No later than noon on Wednesday following certification, any candidate may contest the result of the election as reported by the managers by filing a written notice of such contest together with a concise statement of the grounds therefor with the Municipal Election Commission. On Monday following the deadline to file a protest, ~~Within forty-eight hours after the filing of such notice~~, the Municipal Election Commission shall, after due notice to the parties concerned, conduct a hearing on the contest, decide the issues raised, file its report together with all recorded testimony and exhibits with the clerk of court of the county in which the municipality is situated, notify the parties concerned of the decisions made, and when the decision invalidates the election the council shall order a new election as to the parties concerned.

Neither the mayor nor any member of council shall be eligible to pass on the issues arising in any contest in which he is a party.