

31-10-1205. Statement - certificates of election.

(1) The clerk shall immediately make out statements from the abstract of votes which shall show the names of the candidates and the whole number of votes given to each, distinguishing the several precincts in which they were given. The clerk and his assistant shall certify such statement to be correct and subscribe their names thereto. They shall thereupon determine which persons have been by the greatest number of votes duly elected and shall endorse and subscribe on such statements a certificate of their determination.

(1.5) In any election in a municipality that utilizes four-year overlapping terms of office for members of the governing body as provided in sections [31-4-107](#) (3) and 31-4-301 (5), any available four-year terms of office shall be awarded to the candidate or the candidates receiving the highest number of votes. The term of office of the candidate or candidates receiving the next highest vote total or totals shall be shortened as provided in sections [31-4-107](#) (3) and 31-4-301 (5).

(2) The clerk shall record in his office, in a book to be kept by him for that purpose, each such certified statement and determination and shall, without delay, make out and transmit to each of the persons thereby declared to be elected a certificate of his election, certified by him under his seal of office. The clerk shall also forthwith cause a copy of such certified statement and determination to be published in a newspaper of general circulation within the municipality or posted when no newspaper is published within the municipality. The clerk shall also file a copy in the office of the secretary of state.

Source: **L. 75:** Entire title R&RE, p. 1066, § 1, effective July 1. **L. 93:** (1.5) added, p. 1712, § 17, effective July 1. **L. 96:** (1.5) amended, p. 1769, § 66, effective July 1.

Editor's note: This section was contained in this title when it was repealed and reenacted in 1975. Provisions of this section, as it existed in 1975, are similar to those contained in 31-10-1005 as said section existed in 1974, the year prior to the repeal and reenactment of this title.

ANNOTATION

Am. Jur.2d. See 26 Am. Jur.2d, Elections, §§ 369, 370.

C.J.S. See 29 C.J.S., Elections, §§ 392-395.