

ORDINANCE 330

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO REGARDING ELECTIONS, AMENDING CHAPTER 1, SECTION 1-5-1 AND SECTION 1-5-2, AND ADDING A NEW SECTION 1-5-3 TO THE CODE OF THE TOWN OF IGNACIO

WHEREAS, the Town of Ignacio (Town) is a statutory Town and utilizes the Colorado Municipal Election Code (MEC) for its normal Town elections, i.e. those not specifically held under the Uniform Election Code (UEC) (such UEC elections may include coordinated elections in November of odd-numbered years, or other such elections as identified by Town ordinance or resolution); and

WHEREAS, the Town of Ignacio's Municipal Code specifies requirements for write-in candidate affidavits and provisions for cancelling Municipal Elections in accordance with prior versions of the MEC; and

WHEREAS, the Colorado State Legislature had amended Colorado Revised Statute Section 31-10-507, changing deadlines within the MEC specific as to the submission of affidavits of intent for write-in candidates and the cancellation of elections; and

WHEREAS, the Town of Ignacio wishes to amend the Town of Ignacio's Municipal Code to be compliant with state statute and to avoid the necessity of expending funds to conduct municipal office elections when there are not more persons filing affidavits of intent to fill such vacancies than there are vacancies for such municipal office to be filled.

NOW THEREFORE, BE IT ORDAINED BY THE Board of Trustees of the Town of Ignacio that the Town of Ignacio Municipal Code is hereby amended:

1. Chapter 1, Article 1-5, shall be amended as follows with respect to Section 1-5-1 and Section 1-5-2, and shall be amended to create a new Section 1-5-3 of the Code of the Town of Ignacio:

1-5-1. Municipal elections shall be held and conducted in accordance with the Colorado Municipal Election Code as codified in Article 10 of Title 31 of the Colorado Revised Statutes, except that coordinated elections shall be held and conducted in accordance with the Uniform Election Code of 1992 as codified in Title 1 of the Colorado Revised Statutes.

1-5-2. No write-in vote for any municipal office shall be counted unless an affidavit of intent has been filed with the Town Clerk by the person whose name is written in by close of business on the sixty-fourth (64th) day before the day of the election, indicating that such person desires the office and is qualified to assume the duties of that office if elected.

1-5-3. If the only matter before the voters is the election of persons to office and if, at the close of business on the sixty-fourth (64th) day before the election, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent, the Town Clerk, if instructed by resolution of the Board of Trustees either before or after such date, shall cancel the election. The Board of Trustees, by resolution, shall declare the candidates elected and the candidates shall be deemed elected. Notice of such cancellation shall be published, if possible, in order to inform the electors of the Town, and notice of such cancellation shall be posted at each polling place and in not less than one (1) other public place.

2. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this Ordinance are not determined by the court to be inoperable. The Town Board of Trustees declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion would be declared invalid or unconstitutional.

3. This Ordinance shall be effective 30 days after publication.

PASSED AND APPROVED BY THE Board of Trustees at its regular meeting on _____, 2017, by an affirmative vote of _____ members of the Board of Trustees.

Attest:

TOWN OF IGNACIO

Stella Cox, Mayor

Georgann Valdez, Town Clerk