

AN ORDINANCE CONCERNING THE ELIGIBILITY OF WRITE-IN CANDIDATES AND WHEN ELECTIONS MAY BE CANCELLED WITH RESPECT TO MUNICIPAL ELECTIONS.

WHEREAS, Colo. Rev. Stat. §31-10-306 (1973), as amended, provides that the governing body may by ordinance provide that no write-in vote for any municipal office shall be counted unless an affidavit of intent has been filed with the clerk by the person whose name is written in prior to five days 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; and

WHEREAS, Colo. Rev. Stat. §31-10-507 (1973), as amended, provides that in any ordinance adopted by the governing body of the municipality requiring an affidavit of intent for write-in candidates as provided in section 31-10-306, the governing body may also provide that, if the only matter before the voters is the election of persons to office and if, at the close of business on the Friday before the election, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent, the clerk shall certify such fact to the governing body, and it shall hold a meeting and may cancel the election and by resolution declare the candidates elected, and if so provided by ordinance, upon such declaration, the candidates shall be deemed elected; and

WHEREAS, Section 38 of chapter 374, Session Laws of Colorado 1981, provides that the act enacting the two-above referenced sections is effective July 1, 1981, and applies to municipal elections occurring on or after said date; and

WHEREAS, THE Board of Trustees of the Town of La Jara, Colorado, finds and determines that it is in the best interests of the Town of La Jara that write-in candidates be required to file their affidavit of intent in order to more accurately inform the citizens and voters of La Jara who has declared his or her intent to seek municipal office as a bona-fide candidate; and

WHEREAS, the Board of Trustees of the Town of La Jara, Colorado, finds and determines that it would be economically and financially advantageous to be permitted to cancel municipal elections in the event there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LA JARA, COLORADO, AS FOLLOWS:

Section 1. WRITE-IN CANDIDATE AFFIDAVIT. No write-in vote for any municipal office shall be counted unless an affidavit of intent has been filed with the La Jara Town Clerk by the person whose name is written in prior to five days 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.

Section 2. ELECTION MAY BE CANCELLED - WHEN. If the only matter before the voters is the election of persons to office and if, at the close of business on the Friday before the election, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent, the La Jara Town Clerk shall certify such fact to the governing body, and it shall hold a meeting and may cancel the election and by resolution declare the candidates elected. Upon such declaration, the candidates shall be deemed elected. Notice of such cancellation shall be published, if possible, in order to inform

the electors of the municipality, and notice of such cancellation shall be posted at each polling place and in not less than one other public place.

Section 3. REPEAL. Any or all ordinances or part of ordinances of the Town of La Jara in conflict or inconsistent herewith are hereby repealed, PROVIDED, HOWEVER, that the repeal of any ordinance or parts of ordinances of the Town of La Jara shall not revive any other section of any ordinance or ordinances heretofore repealed or superceded.

Section 4. EMERGENCY CLAUSE. The Board of Trustees herewith finds, determines, and declares that this ordinance is necessary for the immediate preservation of the public peace, health, and safety because the election of the governing body of the Town of La Jara at municipal election subsequent to the adoption of this Ordinance affects the public peace, health, and safety, and whereas, in the opinion of the Board of Trustees an emergency exists, this ordinance shall take effect and be in force upon the expiration of five (5) day after publication.

INTRODUCED, READ, ADOPTED, AND ENACTED AND ORDERED PUBLISHED BY THE BOARD OF TRUSTEES OF THE TOWN OF LA JARA, COLORAD, THIS 10th DAY OF MARCH, 1982.

TOWN OF LA JARA, COLORADO

By: Venceslao Gonzales
Venceslao Gonzales, Mayor

(TOWN SEAL)

ATTEST:

Helen J. Hutchins
Helen J. Hutchins,
La Jara Town Clerk.