

TITLE AND PURPOSE

TOWN OF LA JARA, COLORADO

ORDINANCE NO. 1992- 1

AN ORDINANCE AMENDING ORDINANCE NO. 1982-1 CONCERNING THE ELIGIBILITY OF WRITE-IN CANDIDATES AND WHEN ELECTIONS MAY BE CANCELLED WITH RESPECT TO MUNICIPAL ELECTIONS.

WHEREAS, on March 10, 1982, the Board of Trustees of the Town of La Jara adopted Ordinance No. 1982-1, an Ordinance Concerning the Eligibility of Write-in Candidates and when Elections may be Cancelled with Respect to Municipal Elections; and,

WHEREAS, because of amendments to the Municipal Election Code made by the 1991 Colorado General Assembly, the terms and provisions incorporated in Ordinance No. 1982-1 are inconsistent with present state law; and

WHEREAS, in the interest of having municipal ordinances consistent with current state law, the Board of Trustees finds it necessary and appropriate to amend Ordinance 1982-1 in part;

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

Section 1: AMENDMENT. All of Section 1 of Ordinance No. 1982-1 as hereinabove referenced now reading:

"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."

is hereby repealed and the following is enacted in replacement thereof:

"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 twenty 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. AMENDMENT. All of Section 2 of Ordinance No. 1982-1 as hereinabove referenced now reading:

"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."

is hereby repealed and the following is enacted in replacement thereof.

"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 19th day 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, if instructed by resolution of the Board of Trustees of the Town of La Jara either before or after such date, shall 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 Town of La Jara, and notice of such cancellation shall be posted at each polling place and in not less than one other public place."

Section 3. RETENTION. All of the terms and provisions of Ordinance No. 1982-1 not otherwise amended by any ordinance of the Board of Trustees of the Town of La Jara with respect thereto subsequent to the initial adoption of said Ordinance 1982-1, or by this ordinance, shall remain in full force and effect without deletion or amendment thereto.

Section 4. SAVINGS CLAUSE. If any part, section, or subsection of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining sections of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance in each part, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that anyone or more parts, sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 5. PUBLICATIONS. The Town Clerk shall certify to the passage of this ordinance, cause notice of its contents and passage to be published as provided by law, and shall cause copies of this ordinance to be attached to each copy of the previously adopted Ordinance No. 1982-1.

Section 6. EMERGENCY CLAUSE. The Board of Trustees hereby 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 elections subsequent to the adoption of this ordinance effects 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 its adoption and publication as provided by law.

INTRODUCED, READ, ADOPTED, AND ENACTED AND ORDERED

PUBLISHED BY THE BOARD OF TRUSTEES OF THE TOWN OF LA JARA,
COLORADO, THE 12th DAY OF MARCH, 1992.

TOWN OF LA JARA, COLORADO

By: James T. DeGolyer
James T. DeGolyer

(TOWN SEAL)

ATTEST:

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

Date of Publication: _____.