

**CITY OF CREEDE, COLORADO  
ORDINANCE NO. 393**

**AN ORDINANCE TO AMEND SECTION 2-1-10 AND 2-1-20 OF CHAPTER 2 OF THE  
CREEDE MUNICIPAL CODE REGARDING ELECTIONS**

**WHEREAS**, the City of Creede Municipal Code provides for elections in the City of Creede to be governed by the Colorado Municipal Election Code; and

**WHEREAS**, the Colorado State Legislature has amended the Colorado Municipal Election Code in certain respects that may conflict with the City of Creede Municipal Code; and

**WHEREAS**, the Board of Trustees finds and determines that it is in the best interest of the citizens of Creede to delete or amend those provisions of the Municipal Code such that State Statutes control.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, COUNTY OF MINERAL, STATE OF COLORADO**, the following:

**Section 1. Recitals Incorporated.** The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Board of Trustees.

**Section 2. Amendment to Section 2-1-10 of the City of Creede Municipal Code.**

**ARTICLE 1 Elections** of the Creede Municipal Code is hereby repealed in its entirety and re-enacted to read as follows:

**Sec. 2-1-10. Conduct of elections.**

(a) All elections shall be held and conducted in accordance with Article 10 of Title 31 of the Colorado Revised Statutes, known as the "Colorado Municipal Election Code of 1965." The City may by ordinance determine to follow all or part of the provisions of the Uniform Election Code for any election.

(b) The Board of Trustees shall have the authority to approve the conductance of either a mail ballot election or a polling place election by duly passing a resolution ninety (90) days prior to the date of the scheduled election.

**Sec. 2-1-20. 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 City Clerk by the person whose name is written in prior to sixty-four (64) 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.

**Sec. 2-1-30. Cancellation of election.**

(a) If the only matter before the voters is the election of persons to office and if, at the close of business on the nineteenth day before the election, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent as set forth in Section 2-1-20, the City Clerk shall certify such fact to the Board

of Trustees; and it shall hold a meeting and by resolution shall instruct the City Clerk to cancel the election and shall declare the candidates elected.

(b) Notice of such cancellation shall be published, if possible, in order to inform the electors of the City, and notice of such cancellation shall be posted at each polling place and in not less than one (1) other public place within the City.

**Section 3. Correction of Errors.** City Staff is authorized to correct any typographical, grammatical, cross-reference, or other errors which may be discovered in any documents associated with this Ordinance and documents approved by this Ordinance provided that such corrections do not change the substantive terms and provisions of such documents.

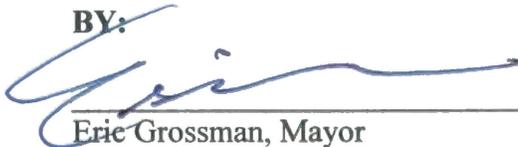
**Section 4. Severability.** If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Board of Trustees hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term "provision" means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term "application" means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

**Section 5. Publication.** The City Clerk is ordered to publish this Ordinance by posting notice of adoption of this Ordinance on final reading by title in at least three public places within the City and posting at the office of the City Clerk, which notice shall contain a statement that a copy of the ordinance in full is available for public inspection in the office of the City Clerk during normal business hours.

**Section 6. Effective Date.** This Ordinance shall take effect thirty (30) days after following final passage.

**INTRODUCED, APPROVED, PASSED ON FIRST AND FINAL READING, on December 1, 2015.**

BY:

  
Eric Grossman, Mayor

ATTEST:

  
Randi Snead, City Clerk

