

**PALMER LAKE, COLORADO**

**ORDINANCE NO. 9 OF 2018**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN  
OF PALMER LAKE AMENDING PROVISIONS OF THE  
MUNICIPAL CODE CONCERNING ELECTIONS**

WHEREAS, THE TOWN OF PALMER LAKE, COLORADO (THE "TOWN"), IS A MUNICIPAL CORPORATION DULY ORGANIZED AND OPERATING AS A STATUTORY MUNICIPALITY UNDER THE CONSTITUTION AND LAWS OF THE STATE OF COLORADO; AND

WHEREAS, CHAPTER 1.50 OF THE TOWN OF PALMER LAKE MUNICIPAL CODE GOVERNS ELECTIONS WITHIN THE TOWN BUT IS INCONSISTENT WITH STATE STATUTES GOVERNING MUNICIPAL ELECTIONS AS A RESULT OF CHANGES IN STATEWIDE LEGISLATION GOVERNING MUNICIPAL ELECTIONS; AND

WHEREAS, AT THE APRIL 3, 2018, REGULAR TOWN ELECTION, IN ACCORDANCE WITH SECTIONS 31-10-109 AND 31-11-111(2), C.R.S., THE BOARD OF TRUSTEES SUBMITTED THE FOLLOWING BALLOT QUESTION TO THE ELIGIBLE ELECTORS OF THE TOWN:

*COMMENCING IN 2020, SHALL THE TOWN REGULAR ELECTION DATE BE CHANGED FROM THE FIRST TUESDAY IN APRIL OF EACH EVEN NUMBERED YEAR TO THE TUESDAY ON WHICH THE GENERAL STATEWIDE ELECTION IS HELD NOVEMBER OF EACH EVEN NUMBERED YEAR TO ALLOW THE TOWN TO SAVE ELECTION COSTS AND PARTICIPATE IN ELECTIONS COORDINATED BY THE COUNTY; AND*

WHEREAS, AT THE APRIL 3, 2018, REGULAR TOWN ELECTION, THE VOTERS OF THE TOWN APPROVED THE BALLOT QUESTION CHANGING THE REGULAR ELECTION DATE FOR THE TOWN TO THE TUESDAY ON WHICH THE GENERAL STATEWIDE ELECTION IS HELD IN NOVEMBER OF EACH EVEN NUMBERED YEAR; AND

WHEREAS, SECTION 31-10-109(B), C.R.S., PROVIDES THAT, WHERE A MAJORITY OF THE REGISTERED ELECTORS VOTING ON THE BALLOT QUESTION APPROVE A CHANGE IN THE REGULAR ELECTION DATE, THE GOVERNING BODY SHALL BY ORDINANCE ESTABLISH ITS NEW REGULAR ELECTION DATE AND MAY INCLUDE AN ALTERATION IN THE TERMS OF OFFICE OF OFFICIALS AS NECESSARY TO ACCOMPLISH THE ELECTION DATE CHANGE IN AN ORDERLY MANNER, SO LONG AS NO TERM OF OFFICE OF ANY CURRENTLY ELECTED OFFICIAL IS SHORTENED; AND

WHEREAS, CHAPTER 1.50 OF THE MUNICIPAL CODE ADDRESSES WRITE IN CANDIDATES AND CANCELLING OF MUNICIPAL ELECTIONS AND SETS TIMEFRAMES FOR BOTH THAT MAY OR MAY NOT BE APPLICABLE WHEN REGULAR ELECTIONS ARE HELD AS PART OF THE COORDINATED STATEWIDE NOVEMBER ELECTIONS; AND

WHEREAS, THE TOWN BOARD OF TRUSTEES DESIRES TO AMEND CHAPTER 1.50 OF THE MUNICIPAL CODE TO ENSURE THAT THE TIMEFRAMES IN EACH PROVISION CORRESPOND TO THE TIMEFRAMES SET FORTH UNDER STATE LAW DEPENDING ON THE ELECTION PROCEDURES FOLLOWED.

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

**Section 2.** Chapter 1.50 entitled "Elections," as previously amended by Ordinance 1 of 2018, is repealed and readopted with a new title to read as follows in its entirety:

## **CHAPTER 1.50 ELECTIONS**

**Sections:**

- 1.50.010 Date of regular election and conduct of all elections.
- 1.50.020 Write-in candidate affidavit
- 1.50.030 Cancellation of election

**Sec. 1.50.010. Date of regular election and conduct of all elections.**

The regular election of the Town shall be held on the Tuesday on which the general statewide election is held in November of each even numbered year. All elections shall be held and conducted in accordance with the Colorado Municipal Election Code of 1965 unless the Town by ordinance, resolution or agreement with the coordinating county determines to follow all or part of the provisions of the Uniform Election Code for any election.

**Sec. 1.50.020. Write-in candidate affidavit.**

No write-in vote for any municipal office shall be counted unless the candidate files an affidavit of intent with the clerk prior to the deadline as set forth in applicable state statute, indicating that such person desires the office and is qualified to assume the duties of that office if elected.

**Sec. 1.50.030. 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 deadline before the election as set forth in applicable state statute, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent as set forth in Section 1.50.020, the Town

Clerk, if instructed by resolution either before or after such date, shall cancel the election and such candidates shall be deemed elected.

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

**Section 3. Terms of Office of Currently Seated Elected Officials.** The terms of office of each currently elected or appointed member of the Board of Trustees shall be extended such that the term shall expire in November rather than in April of the year in which the term expires.

**Section 4. Severability.** It is hereby declared to be the intention of the Board of Trustees of the Town of Palmer Lake, Colorado that the sentences, clauses and phrases of this ordinance are severable, and if any sentence, clause or phrase of this ordinance be declared unconstitutional or invalid by the valid judgment or decree of Court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sentences, clauses or phrases of this ordinance since the same would have been enacted by the Board of Trustees without the incorporation of any unconstitutional or invalid sentence, clause or phrase.

**Section 3. Effective Date and Publication.** This ordinance shall become effective thirty days after publication of the title only and the Town Clerk shall certify to the passage of this ordinance and cause notice of its contents and passage to be published or posted by title only.

PASSED AND ADOPTED THIS 12<sup>th</sup> DAY OF APRIL, 2018 BY A VOTE OF 1 FOR AND  
AGAINST.

  
JOHN CRESSMAN, MAYOR

ATTEST:

  
VERLA BRUNER, TOWN CLERK

*needs to  
be signed*

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Palmer Lake at its meeting of April 12, 2018, and ordered published by title only by Gazette newspaper on 4-17 - 4-23, 2018.

  
Verla Bruner, Town Clerk