

PALMER LAKE, COLORADO

ORDINANCE NO. 05-2020

AN ORDINANCE AMENDING CHAPTER 1.50 OF THE MUNICIPAL CODE PROVIDING FOR THE POSSIBLE CANCELLATION OF MUNICIPAL ELECTION UNDER CERTAIN CONDITIONS AND ADDRESSING WRITE-IN CANDIDATE TIMEFRAME

WHEREAS, the Board of Trustees of the Town of Palmer Lake, Colorado, pursuant to Colorado statute and the Palmer Lake Municipal Code, is vested with the authority of administering the affairs of the Town of Palmer Lake, Colorado; and

WHEREAS, pursuant to C.R.S. 31-10-101 et seq., also known as the Municipal Election Code, C.R.S. 31-10-507 regulating when municipal elections may be cancelled, and C.R.S. 31-10-306 regulating write-in candidate affidavits, the Board of Trustees wishes to amend the Town Code regarding cancellation of municipal elections under certain conditions and write-in candidate timeframe requirements.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE AS FOLLOWS:

1. Section 1.50.010 is hereby amended by striking the strikethrough language and adding the underlined language to read in its entirety as follows:

1.50.010. Cancellation of Election.

~~The governing body may 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 nineteenth sixty-fourth day before the election, there are not more candidates than offices to be filled at such election, including write in candidates filing affidavits of intent, the clerk must certify such fact to the governing body so that it may cancel the election and declare the candidates elected. In the event of such cancellation, notice of cancellation shall be published, if possible, and notice of cancellation must be posted at each polling place and in at least one other public place.~~

(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.

2. Section 1.50.020 is hereby amended by striking the strikethrough language and adding the underlined language to read in its entirety as follows:

1.50.020. Affidavit for Write-Ins.

No write-in vote for any municipal office shall be counted unless an affidavit of intent has been filed with the clerk prior to ~~twenty (20) sixty four (64) days before the day of the election by the person whose name is to be written in~~ 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.

3. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

4. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 11TH DAY OF JUNE, 2020.

ATTEST:



Bob Radosevich, Town Administrator

TOWN OF PALMER LAKE, COLORADO

BY: 

John Cressman, Mayor