

**ORDINANCE NO. 19
SERIES OF 2019**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE
TOWN OF CARBONDALE, COLORADO AMENDING CHAPTER 2, ARTICLE
1 OF THE MUNICIPAL CODE OF THE TOWN OF CARBONDALE
REGARDING ELECTIONS HELD WITHIN THE TOWN**

WHEREAS, Chapter 2, Article 1 of the Town of Carbondale Municipal Code presently provides that “[e]xcept as otherwise provided in the Home Rule Charter, in this Code or by ordinance, all municipal elections within the Town shall be governed by the Colorado Municipal Election Code of 1965 . . .”; and

WHEREAS, certain provisions of the Colorado Municipal Election Code of 1965, C.R.S. §§ 31-10-101, *et seq.*, prescribe certain deadlines for the circulation, submission, and amendment of nomination petitions; write-in candidate affidavits; and cancellation of elections; and

WHEREAS, in the interest of clarity and consistency, the Board of Trustees desires to align the deadlines in the Town of Carbondale Municipal Code with such deadlines contained in the state statute.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE, COLORADO that the Town of Carbondale Municipal Code shall be amended as follows:

1. The foregoing recitals are hereby adopted as findings and determinations of the Board of Trustees.

2. Chapter 2, Article 1 shall be amended by deleting the language stricken and adding the language underlined to read as follows:

Sec. 2-1-10. – Conduct of elections.

Except as otherwise provided in the Home Rule Charter, in this Code or by ordinance, all municipal elections within the Town shall be governed by the Colorado Municipal Election Code of 1965, as now existing or hereafter amended or modified.

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Sec. 2-1-30. - Nomination petitions.

~~Notwithstanding provision of the Colorado Municipal Election Code of 1965 to the contrary,~~ The time period for circulation, submission and/or amendment of nomination petitions shall be as follows:

- (1) The first day to pick up a petition from the Town Clerk: ~~60~~ 91 days before the election.
- (2) The last day to file a petition with the Town Clerk: ~~40~~ 71 days before the election.
- (3) The last day to amend a petition to correct or replace signatures: ~~32~~ 66 days before the election.

Sec. 2-1-40. - 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 Town Clerk by the person whose name is written in prior to ~~20~~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. 2-1-50. - Cancellation of election.

(a) If the only election issue before the voters is the election of persons to office and if, at the close of business on the ~~sixty-fourth~~ nineteenth day before the election, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent pursuant to Section 2-1-40 above, the Town Clerk, if instructed by resolution of the Board of Trustees either before or after such date, shall cancel the election and the candidates, by resolution of the Board of Trustees, shall be declared to be elected.

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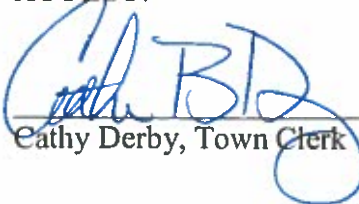
3. This Ordinance shall be effective upon posting and publication in accordance with the Carbondale Home Rule Charter.

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED this 10thth day of December, 2019.

TOWN OF CARBONDALE


Dan Richardson, Mayor

ATTEST:


Cathy Derby, Town Clerk

