ORDINANCE NO. 4
Series 2014

June 3, 2014: Introduced as Council Bill 3, Series 2014 by Councilor Russell Stewart, seconded by Councilor Mark Griffin and considered in full text on first reading. Passed by a vote of 5 yes and 0 no.

June 17, 2014: Considered in full text on second reading. Passed by a vote of 6 yes and 0 no.

A BILL FOR AN ORDINANCE
OF THE CITY OF CHERRY HILLS VILLAGE
AMENDING SECTION 2-1-10, SECTION 2-1-40, AND SECTION 2-1-50
OF THE MUNICIPAL CODE CONCERNING ELECTIONS

WHEREAS, the City of Cherry Hills Village ("City") is a home rule municipal corporation organized in accordance with Article XX of the Colorado Constitution; and

WHEREAS, in the April 3, 2012 election City residents approved an amendment to Section 2.3 of the City Charter in order to hold regular municipal elections in November of even numbered years; and

WHEREAS, the City desires to coordinate its elections with Arapahoe County in November when possible to take advantage of lower costs and higher voter turnout; and

WHEREAS, coordinated elections operate with different timelines under the Uniform Election Code of 1992 than noncoordinated elections; and

WHEREAS, the State legislature amended the Colorado Municipal Election Code in 2013 and 2014 to address procedures for mail ballot elections, correct durational residency provisions and to make other conforming changes consistent with the Uniform Election Code; and

WHEREAS, passage of the state legislation necessitates amendments to the election provisions of the City Municipal Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO, ORDAINS:

Section 1. That Section 2-1-10 of the City of Cherry Hills Village Municipal Code is hereby amended to read as follows:

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

(a) All elections shall be held and conducted in accordance with the provisions contained in the City Charter.

(b) The City is authorized to conduct mail ballot municipal elections and to participate in ~~mail ballot~~ elections coordinated by Arapahoe County. The City shall utilize the requirements and procedures of the ~~Uniform Election Code of 1992, Articles 1 to 13 of Title 1, C.R.S., in lieu of the~~ Colorado Municipal Election Code of 1965, Section 31-10-101 et seq., C.R.S., with respect to any ~~mail ballot~~ non<u>coordinated</u> election<u>, and the Uniform Election Code of 1992, Articles 1 to 13 of Title 1, C.R.S. with respect to any coordinated election</u>.

~~(c) The following time periods and procedures shall apply to the City mail ballot elections except those conducted as part of a coordinated election:~~

~~A. Nomination Petitions.~~

~~First day to circulate nomination petition~~	~~57 days before election~~
~~Last day to circulate nomination petition~~	~~39 days before election~~
~~Nomination petitions due to City Clerk~~	~~39 days before election~~
~~Last day to amend nomination petition~~	~~32 days before election~~

~~B. Withdrawal of Candidacy.~~

~~Last day candidate can withdraw 32 days before election~~

Section 2. That Section 2-1-40 of the City of Cherry Hills Village Municipal Code is hereby amended to read as follows:

Sec. 2-1-40. Write-in candidate affidavit.

No write-in vote for any City elective 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 twenty (20) days before the day of a polling place municipal election, or ~~thirty-two (32) days before the day of a mail ballot municipal election~~ as specified in the Municipal Election Code or Uniform Election Code as applicable, indicating that such person desires the office and is qualified to assume the duties of the office, if elected.

Section 3. That Section 2-1-50 of the City of Cherry Hills Village Municipal Code is hereby amended to read as follows:

Sec. 2-1-50. Cancellation of election.

(a) ~~Whenever the only matter before the voters is the election of persons to the positions of City Council Member and Mayor and if, at the close of business on the nineteenth day before said polling place municipal election, or at the close of business on the twenty-ninth day before said mail ballot municipal election, there is not more than one (1) candidate per seat to be filled at such election, including candidates filing affidavits of intent as set forth in Section 2-1-40 above, the City Clerk, if instructed by resolution of the City Council either before or after such date, shall cancel the election and by said resolution declare the candidates elected.~~ A regular or special municipal election may be cancelled when the ballot contains no questions for the electorate to determine the passage or defeat thereof and there is not more than one (1) candidate per seat to be filled at such election, including candidates filing affidavits of intent as set forth in Section 2-1-40. The City Council may by resolution delegate to the City Clerk the authority to cancel said elections on the nineteenth day before a polling place election, the twenty-ninth day before a mail ballot election, or as specified in the Uniform Election Code for coordinated elections, and to declare the candidates elected. Upon such declaration, the candidates shall be deemed elected.

(b) Notice of such cancellation of the municipal election shall be published forthwith in the legal newspaper of the City and posted at the village center in order to inform the electorates.

Adopted as Ordinance No. 4, Series 2014, by the City Council of the City of Cherry Hills Village, Colorado this 17th day of May, 2014.

(SEAL)

Douglas M. Tisdale, Mayor

ATTEST:

Laura Smith, City Clerk

Approved as to form:

Linda C. Michow, City Attorney

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CITY OF CHERRY HILLS VILLAGE
ADOPTION OF ORDINANCE
ORDINANCE 4, SERIES 2014

A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE AMENDING SECTION 2-1-10, SECTION 2-1-40, AND SECTION 2-1-50 OF THE MUNICIPAL CODE CONCERNING ELECTIONS

Copies of the Ordinances are on file at the office of the City Clerk and may be inspected during regular business hours.

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