

ORDINANCE NO. 16
Series 2010

May 18, 2010: Introduced as Council Bill 13, Series 2010 by Councilor Scott Roswell, seconded by Councilor Klasina VanderWerf, and considered in full text on first reading. Passed by a vote of 6 yes and 0 no.

June 1, 2010: Considered in full text on second reading. Passed by a vote of 5 yes and 0 no.

A BILL FOR AN ORDINANCE
OF THE CITY OF CHERRY HILLS VILLAGE
AMENDING CHAPTER 2 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE,
CONCERNING ADMINISTRATION AND PERSONNEL,
BY AMENDING SECTION 2-1-10, CONCERNING CONDUCT OF ELECTIONS,
SECTION 2-1-40, CONCERNING WRITE-IN CANDIDATE AFFIDAVITS,
AND SECTION 2-1-50, CONCERNING CANCELLATION OF ELECTIONS

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

WHEREAS, Section 2-1-10(b) of the Cherry Hills Village Municipal Code states that 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. with respect to any mail ballot election; and

WHEREAS, Article 7.5 for Mail Ballot Elections (C.R.S. 1-7.5-101 through 1-7.5-112) contains no provisions for circulation of nomination petitions for municipal elections; and

WHEREAS, Article 7.5 (C.R.S. 1-7.5-107(3)(a)) requires that ballot packets be mailed to voters no earlier than twenty-two (22) days and no later than eighteen (18) days prior to the election, and

WHEREAS, the current deadline for a nominated candidate to amend his or her nomination petition or withdraw his or her candidacy restricts the amount of time available for production of ballot packages; and

WHEREAS, the current deadline for affidavits of intent restricts the amount of time available to cancel the election; and

WHEREAS, Section 2-1-50 of the City's Municipal Code allows for the cancellation of a municipal election on a timeline that restricts the amount of time available for production of ballot packages; and

WHEREAS, the City Council has determined that it is in the best interests of the community to amend the City of Cherry Hills Village Municipal Code ("Municipal Code") to adjust the time frames for circulation of nomination petitions, for the amendment of such petitions, for the withdrawal of a candidate, for the deadline for affidavits of intent, and for the cancellation of the election in order to accommodate the printing of ballots prior to the distribution of ballot packages in mail ballot elections.

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.

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(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 election. (Ord 9 §1, 2003; Ord. 6 §1, 2004)

(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.

<u>First day to circulate nomination petition</u>	<u>57 days before election</u>
<u>Last day to circulate nomination petition</u>	<u>39 days before election</u>
<u>Nomination petitions due to City Clerk</u>	<u>39 days before election</u>
<u>Last day to amend nomination petition</u>	<u>32 days before election</u>

B. Withdrawal of Candidacy.

<u>Last day candidate can withdraw</u>	<u>32 days before election</u>
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Section 2. That Section 2-1-10 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 the a polling place municipal election, or thirty-two (32) days before the day of a mail ballot municipal election, indicating that such person desires the office and is qualified to assume the duties of the office, if elected. (Prior code 1-8-3; Ord. 6, 1996)

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. 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. (Prior code 1-8-4; Ord. 6, 1996; Ord 9 §1, 2003)

Adopted as Ordinance No. 16, Series 2010, by the City Council of the City of Cherry Hills Village, Colorado this 1st day of June, 2010.


Michael J. Wozniak, Mayor

ATTEST:


Laura Smith, City Clerk

APPROVED AS TO FORM:


Kenneth S. Fellman, City Attorney

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**CITY OF CHERRY HILLS VILLAGE
ADOPTION OF ORDINANCE
ORDINANCE 16, SERIES 2010**
A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE AMENDING CHAPTER 2 OF THE CHERRY HILLS VILLAGE MUNICIPAL CODE, CONCERNING ADMINISTRATION AND PERSONNEL, BY AMENDING SECTION 2-1-10, CONCERNING CONDUCT OF ELECTIONS, SECTION 2-1-40, CONCERNING WRITE-IN CANDIDATE AFFIDAVITS, AND SECTION 2-1-50, CONCERNING CANCELLATION OF 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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