

ORDINANCE NO. 6
Series 2004

January 20, 2004: Introduced as Council Bill 01 Series 2004 by Bonnie Blum, seconded Fred Boutin, and considered by the title only on first reading. Passed unanimously

March 2, 2004: Considered in full text on second reading. Passed unanimously.

A BILL FOR AN ORDINANCE
OF THE CITY OF CHERRY HILLS VILLAGE AMENDING
SECTION 2-1-10 OF THE CITY CODE TO AUTHORIZE THE USE OF THE UNIFORM
ELECTION CODE OF 1992 FOR MAIL BALLOT ELECTIONS

WHEREAS, Section 2.1 of the City Charter provides that elections are governed by the Colorado municipal election laws as amended or modified; and

WHEREAS, Colorado state law provides two different statutory procedures for conducting municipal elections: (1) the Colorado Municipal Election Code of 1965, codified at C.R.S. §§ 31-10-101 *et seq.*; and (2) the Uniform Election Code of 1992, codified at articles 1 to 13 of title 1, Colorado Revised Statutes ("C.R.S."); and

WHEREAS, because of the efficiency and public convenience of mail ballot elections, and because Arapahoe County routinely conducts coordinated mail ballot elections, the City has previously conducted mail ballot elections and may choose to conduct mail ballot elections in the future; and

WHEREAS, the Colorado Municipal Election Code of 1965 does not authorize or contain provisions governing mail ballot elections; and

WHEREAS, the Uniform Election Code of 1992 authorizes mail ballot elections and contains provisions to govern such elections; and

WHEREAS, C.R.S. §§ 31-10-102.7 and 1-1-102 both state that any municipality may provide by ordinance or resolution that it will 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, with respect to any election; and

WHEREAS, the City Council desires to authorize the conduct of mail ballot elections and to provide by ordinance that the City will 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, with respect to any mail ballot elections conducted by the City,

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

Section 1. Section 2-1-10 of the City Code for the City of Cherry Hills Village, entitled "Conduct of elections" is hereby amended to read in full 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, C.R.S. §§ 31-10-101 et seq., with respect to any mail ballot election.



Section 2. Severability. If any provision of this ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion would be declared invalid or unconstitutional.

Adopted as Ordinance No. 6 Series 2004, by the City Council of the City of Cherry Hills Village, Colorado this 2nd day of March, 2004.



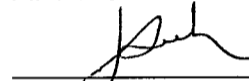
Douglas Scott, Mayor

ATTEST:



Jennifer Pettinger, City Clerk

APPROVED AS TO FORM:



Randy Funk, City Attorney

ABJ053

