

TOWN OF NEDERLAND, COLORADO

ORDINANCE NUMBER 729

AN ORDINANCE AUTHORIZING THE TOWN CLERK TO CANCEL AN ELECTION IN ACCORDANCE WITH CRS 31-10-507 AND REQUIRING AN AFFIDAVIT OF INTENT FOR WRITE-IN CANDIDATES IN ACCORDANCE WITH CRS 31-10-306

WHEREAS, the Town of Nederland, Colorado (“Town”) is a statutory municipality, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, the Town conducts its regular municipal elections in April of even-numbered years in accordance with the Colorado Municipal Election Code, Article 10 of Title 31, C.R.S.; and

WHEREAS, C.R.S. § 31-10-507 requires the Town Board of Trustees (“Board”) to act by ordinance to authorize the Town Clerk to cancel a regular municipal election when there are no more candidates than offices to be filled; and

WHEREAS, C.R.S. § 31-10-507 further requires that such authorization be contained in an ordinance that requires write-in candidates for any municipal election to first file an affidavit of intent in accordance with C.R.S. § 31-10-306; and

WHEREAS, the Board finds that it is prudent and desirable to save the Town any unnecessary expense in conducting an election when one is not needed and to provide the Clerk with some certainty prior to an election of the potential number of write-in candidates; and

WHEREAS, the Board therefore desires to authorize the cancellation of future Town elections in accordance with C.R.S. § 31-10-507 and to require write-in candidates to file affidavits of intent in accordance with C.R.S. § 31-10-306.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Nederland, Colorado, as follows:

Section 1. The Town Clerk is hereby authorized to cancel a regular municipal election of the Town of Nederland in accordance with C.R.S. § 31-10-507 if the only matter before the voters is the election of persons to office and if, at the close of business on the nineteenth day before the election, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent. As required by this statute, the Board shall instruct the Town Clerk by resolution to cancel any future election and declare the candidates elected.

Section 2. In accordance with C.R.S. § 31-10-306, no write-in vote for any Town 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 twenty 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.

Section 3. Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

Section 4. Any and all Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

INTRODUCED, ADOPTED AND ORDERED PUBLISHED THIS 4th DAY OF FEBRUARY, 2014.

TOWN OF NEDERLAND, COLORADO



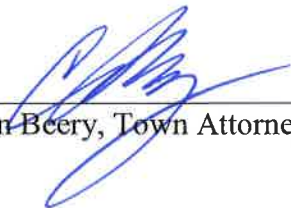
Joe Gerlach, Mayor

ATTEST:



Michele Martin, Town Clerk

APPROVED AS TO FORM:



Carmen Beery, Town Attorney

