

Agenda Item No: GB-C
Meeting Date: 07/12/2021

Subject: Consideration and approval of Ordinance 909, amending Chapter 2 of the Dacono Municipal Code regarding Write-in Candidates and the Cancellation of Elections, on Second Reading.

Presenter: Valerie Taylor, City Clerk

Background: The State statutes regarding the deadline for write-in candidates and cancelling a municipal election have been amended. Ordinance 909 will amend Section 2-260 of the Dacono Municipal Code to coincide with State Law. The changes include increasing the deadline for write-in candidates from 20 days to 64 days before the election; and provisions for cancelling an election if the only matter before the voters is to fill vacant seats and there are no more candidates than open seats.

The only change, that was mentioned at the last meeting, is "prior to" being removed in Section 2-260(a)

Recommended Action: Staff recommends approval of Ordinance 909, on Second Reading.

ORDINANCE NO. 909

AN ORDINANCE AMENDING CHAPTER 2 OF THE DACONO MUNICIPAL CODE REGARDING WRITE-IN CANDIDATES AND THE CANCELLATION OF ELECTIONS

WHEREAS, City Council previously adopted Section 2-260 of the Dacono Municipal Code setting forth procedures requiring write-in candidates to file affidavits of intent and regarding the cancellation of municipal elections; and

WHEREAS, the State statutes on these matters, including C.R.S. § 31-10-507 and C.R.S. § 1-4-1102, have been amended to change the deadlines for write-in candidates to file affidavits of intent and for cancelling a municipal election; and

WHEREAS, City Council finds that Section 2-260 of the Dacono Municipal Code should be amended to reflect these changes to State law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DACONO, COLORADO:

Section 1. Section 2-260 of the Dacono Municipal Code is hereby amended to read as follows (words to be added are underlined; words to be deleted are stricken through):

Sec. 2-260. Write-in candidates.

(a) No write-in vote for any municipal 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 sixty-four (64) days ~~twenty (20)~~ 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.

(b) If the only matter before the voters at any election is the election of persons to office and if, at the close of business on the ~~nineteenth~~ sixty-fourth (64th) day before the election, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent, the City Clerk, if instructed by resolution of the City Council either before or after such date, shall cancel the election and by resolution declare the candidates elected. Upon such declaration, the candidates shall be published, if possible, in order to inform the electors of the City, and notice of such cancellation shall be posted at each polling place and not less than one (1) other public place.

Section 2. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 3. The repeal or modification of any provision of the Dacono Municipal Code by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED AND POSTED BY TITLE this 28th day of June, 2021.

PUBLIC HEARING AND SECOND READING WILL BE THE 12th DAY OF July, 2021, AT 6:00 P.M. AT DACONO CITY HALL, 512 CHERRY STREET, DACONO, CO.

READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE this 12th day of July, 2021.

CITY OF DACONO, COLORADO

Joe Baker, Mayor

ATTEST:

Valerie Taylor, City Clerk

Summary of Ordinance No. 909, **“AN ORDINANCE AMENDING CHAPTER 2 OF THE DACONO MUNICIPAL CODE REGARDING WRITE-IN CANDIDATES AND THE CANCELLATION OF ELECTIONS”** Amends the Dacono Municipal Code to reflect amendments to State law by changing the deadlines for write-in candidates to file affidavits of intent and for cancelling municipal elections.