

TOWN OF SUPERIOR
ORDINANCE NO. O-2
SERIES 2016

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE
TOWN OF SUPERIOR AMENDING SECTIONS 2-1-20
AND 2-1-30 OF THE SUPERIOR MUNICIPAL CODE
REGARDING CERTAIN ELECTION DEADLINES

WHEREAS, § 2-1-20 of the Superior Municipal Code currently requires that any write-in candidate in a polling place election file with the Town Clerk an affidavit of intent 21 days before the election for write-in votes for that candidate to be counted;

WHEREAS, in 2015, the Colorado Municipal Election Code was amended to require that ballots for active military and overseas voters be mailed no later than 45 days prior to the election;

WHEREAS, to accommodate the military and overseas voters, the Colorado Municipal Election Code requires write-in candidate affidavit to be filed no later than 64 days before any type of election;

WHEREAS, the Board of Trustees desires to amend § 2-1-20 of the Superior Municipal Code to resolve the conflicts with the Colorado Municipal Election Code;

WHEREAS, § 2-1-30(a) of the Superior Municipal Code allows the cancellation of an election on the 19th day before the election if there are not more candidates than offices to be filled at the election; and

WHEREAS, to conform the cancellation provisions found in § 2-1-20 to the new affidavit deadline for write-in candidates, the Board of Trustees also desires to amend § 2-1-30(a).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR, COLORADO, as follows:

Section 1. Section 2-1-20 of the Superior Municipal Code is hereby amended as follows:

Sec. 2-1-20. Write-in votes.

No write-in vote for any Town office shall be counted unless the candidate files an affidavit of intent with the Town Clerk at least ~~twenty one (21)~~

~~days before any polling place election or sixty-four (64) days before any mail ballot election.~~

Section 2. Section 2-1-30(a) of the Superior Municipal Code is hereby amended as follows:

Sec. 2-1-30. Cancellation of election.

(a) If the only matter before the voters is the election of persons to office and if, at the close of business ~~on the 19th day before a polling place election or~~ on the 62nd day before an ~~mail ballot~~ election, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent as set forth in Section 2-1-20, the Town Clerk shall certify such fact to the Board of Trustees, and the Board of Trustees by resolution shall instruct the Town Clerk to cancel the election and declare the candidates election.

Section 3. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4. Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 25th day of April, 2016.



Clint Folsom, Mayor

ATTEST:



Phyllis L. Hardin, Town Clerk-Treasurer