

TOWN OF ERIE
ORDINANCE NO. ____-2020

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF
ERIE AMENDING SECTION 1-5-1 OF THE ERIE MUNICIPAL CODE
REGARDING ELECTIONS**

WHEREAS, the state deadlines for filing of write-in candidate affidavits have changed;

WHEREAS, the Town must by ordinance expressly permit the cancellation of elections if there are not more candidates than seats to be filled;

WHEREAS, the Board of Trustees desires to amend the Erie Municipal Code to comport with state election law and to authorize cancellation of elections when appropriate; and

WHEREAS, the Board of Trustees finds it in the best interest of the public health, safety and welfare to revise Section 1-5-1 of the Code.

NOW BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE, COLORADO, THAT:

Section 1. Subsection A of Section 1-5-1 of the Erie Municipal Code is repealed and reenacted to read as follows:

1-5-1: ELECTION, TERMS OF OFFICE

A. No write-in vote for a 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 verifying that he or she desires the office and is qualified to assume the duties of that office if elected. The affidavit of intent shall be filed with the Town Clerk in compliance with the deadline established in the Colorado Municipal Election Code, as amended.

B. If the only matter before the voters is the election of persons to office and if, at the close of business on the last day for filing a write-in candidate affidavit, as established herein, there are not more candidates than offices to be filled at such election, including candidates filing write-in candidate affidavits, the Board of Trustees may, by resolution adopted before or after such date, instruct the Town Clerk to cancel the election and may declare the candidates elected. Notice of such cancellation shall be posted at each polling place, in not less than one other public place, and published, if possible.

C. Election: At the April 4, 1972, election, six (6) Trustees shall be elected. The three (3) candidates for Trustee receiving the highest number of votes shall be elected for four (4) year terms, and the three (3) candidates for Trustee receiving the next highest numbers of votes shall be elected for two (2) year terms. At the next subsequent regular election and at each regular election thereafter, three (3) Trustees shall be elected to serve four (4) year terms.

Section 2. 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, or part, or parts be declared unconstitutional or invalid.

Section 3. Safety. The Board of Trustees finds that the adoption of this Ordinance is necessary for the protection of the public health, safety and welfare.

Section 4. Effective Date. This Ordinance shall take effect 30 days after publication following adoption.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 14th day of JANUARY, 2020.

Jennifer Carroll, Mayor

ATTEST:

Joanne Salser, Deputy Town Clerk