

ORDINANCE NO. 2020-03

AN EMERGENCY ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE TOWN OF KEENESBURG AT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, APRIL 7, 2020, THE QUESTION OF CHANGING THE DATE OF THE TOWN'S REGULAR MUNICIPAL ELECTIONS

WHEREAS, the Town of Keenesburg (the "Town") is a Colorado municipal corporation duly organized and existing under laws of the State of Colorado; and

WHEREAS, the Town's regular municipal elections are currently held on the first Tuesday in April in each even-numbered year; and

WHEREAS, C.R.S. § 31-10-109 authorizes the Board of Trustees to submit to a vote of the registered electors of the Town the question of whether the regular election date of the Town should be changed to the Tuesday succeeding the first Monday of November in each even-numbered year; and

WHEREAS, the State of Colorado holds its general election on the Tuesday succeeding the first Monday of November in even-numbered years; and

WHEREAS, if the Town were to change the date of its regular municipal elections to November of even numbered years then the Town's elections could be held as coordinated elections with the County; and

WHEREAS, coordinating the Town's elections with the County and holding them on the same day as the State's general election may increase voter turnout and may reduce costs to the Town; and

WHEREAS, the Board of Trustees is of the opinion that it should refer to the voters at the April 7, 2020 election a ballot question concerning whether the date of the Town's regular municipal election should be changed to the Tuesday succeeding the first Monday of November in each even-numbered year; and

WHEREAS, C.R.S. § 31-10-109 provides that if a majority of the registered electors vote to approve the change to the Town's regular election date, the Board of Trustees shall by ordinance establish its new regular election date and may include in the ordinance any alteration in the terms of office of officials that may be necessary to accomplish the change in election dates; and

WHEREAS, C.R.S. § 31-10-109 provides that no such ordinance shall shorten the term of any elected official in office at the time of its adoption; and

WHEREAS, the Board of Trustees is of the opinion that it should adopt the amendments to the Keenesburg Municipal Code set forth herein, which shall become effective if a majority of the voters approve the change to the Town's regular election date.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF

THE TOWN OF KEENESBURG, COLORADO:

Section 1. A regular municipal election will be held in the Town of Keenesburg on Tuesday, April 7, 2020, between the hours of 7:00 a.m. and 7:00 p.m.

Section 2. Pursuant to applicable provisions of the laws of the State of Colorado, the Board of Trustees hereby submits to the registered electors of the Town at such regular election to be held on April 7, 2020 (the “Election”), the ballot question specified in Section 3 of this Ordinance.

Section 3. The following ballot question, certified in substantially the form set forth below, is hereby referred to the registered electors of the Town and shall appear on the ballot of the election to be held on April 7, 2020:

BALLOT QUESTION NO. _____

SHALL THE DATES OF THE TOWN OF KEENESBURG’S REGULAR MUNICIPAL ELECTIONS BE CHANGED TO THE TUESDAY SUCCEEDING THE FIRST MONDAY OF NOVEMBER IN EACH EVEN NUMBERED YEAR BEGINNING IN 2020?

Section 4. If a majority of the registered electors voting at the Election vote “yes” in response to the ballot question specified in Section 3 of this Ordinance, the issue shall be deemed to have passed and the Keenesburg Municipal Code shall be amended as set forth in Section 5 of this Ordinance.

Section 5. Chapter 2, Article I of the Keenesburg Municipal Code is hereby amended to read as follows (words to be added are underlined; words to be deleted are ~~stricken through~~):

**Chapter 2 – Administration and Personnel
Article I - Elections**

Sec. 2-1-10. Conduct of elections.

(a) A regular election shall be held on the Tuesday succeeding the first Monday of November in each even-numbered year.

(b) All elections that are coordinated with Weld County shall be held and conducted in accordance with the Uniform Election Code of 1992, as amended from time to time. Elections that are not coordinated with Weld County and are conducted by the Town shall be held and conducted in accordance with the Colorado Municipal Election Code of 1965, as amended from time to time. ~~The Town may by ordinance determine to follow all or part of the provisions of the Uniform Election Code for any election.~~

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

(a) A write-in vote is a vote which a qualified elector of the Town seeks to cast by absentee ballot, or by ballot at a municipal polling place on election day, for a candidate who did not present a nominating petition, as required by law, or whose submitted nominating petition was declared to be invalid by the Town Clerk, and whose name is not on the printed ballot.

(b) No write-in votes for a candidate for any elective office of the Town shall be counted unless an affidavit of intent has been filed ~~prior to twenty (20) sixty-four (64)~~ days before the day of election with the Town Clerk by the person whose name is written in, indicating that such person desires the office and is qualified to assume the duties of that office if elected.

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

(a) If the only matter before the voters is the election of persons to municipal office and if, at the close of business on the ~~nineteenth~~ sixty-third day before the election, there are not more candidates than the offices to be filled at such election, including eligible write-in candidates as described in Section 2-1-20 above, the Town Clerk, if instructed by a resolution of the Board of Trustees adopted either before or after such date, shall cancel the election and declare that the eligible candidates are elected.

(b) A notice of cancellation of the election shall be provided in accordance with applicable State law ~~published in order to so inform the electors of the Town, and a notice of such cancellation shall be posted at each polling place and in not less than one (1) other public place.~~

Sec. 2-1-40. Transition to November regular elections.

Notwithstanding any other provision of this Code to the contrary, the terms of Board members whose terms will expire in April 2022 shall be extended to the November 2022 regular election. The terms of Board members whose terms will expire in April 2024 will be extended to the November 2024 regular election.

Section 6. 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 resolution. The Board of Trustees and the registered voters of the Town hereby declare that they would have passed and approved this resolution and each part hereof irrespective of the fact that any one part be declared invalid.

Section 7. The Board of Trustees herewith finds, determines, and declares that this Ordinance is necessary to the immediate preservation of public property, health, welfare, peace, or safety because the Board of Trustees desires to submit the foregoing ballot question to the registered electors of the Town at the regular election on April 7, 2020 and there are several immediate deadlines related to the conduct of said election that must be met. Therefore, pursuant to C.R.S. § 31-16-105, the Board of Trustees herewith further finds, determines and declares that it is necessary for this

Ordinance to take effect immediately upon adoption.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN FULL this ____ day of _____, 2020.

TOWN OF KEENESBURG, COLORADO

Kenneth Gfeller, Mayor

ATTEST:

Christina Fernandez, Town Clerk