

**TOWN OF NEW CASTLE, COLORADO
ORDINANCE NO. TC 2022-5**

AN ORDINANCE OF THE TOWN OF NEW CASTLE TOWN COUNCIL AMENDING
CHAPTER 1.16 OF THE NEW CASTLE MUNICIPAL CODE CONCERNING ELECTIONS

WHEREAS, the Town of New Castle (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town of New Castle Home Rule Charter; and

WHEREAS, Chapter 1.16 of the New Castle Municipal Code (“Code”) outlines requirements for Town elections, including cancellation of an election; and

WHEREAS, C.R.S. § 31-10-306 states that the governing body of a municipality may provide by ordinance that no write-in vote for any municipal office shall be counted unless an affidavit of intent has been filed with the clerk by the person whose name is written in prior to sixty-four 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; and

WHEREAS, to streamline the election process, the Town Council desires to amend the Code to follow the statute.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the Town Council.

2. Amendment. Chapter 1.16 of the Code is hereby amended as follows. Text in ALL CAPS indicates text that has been added, and text in ~~striketrough~~ indicates text that has been deleted.

Chapter 1.16 – Elections

1.16.040 – Cancellation of election.

If the only matter before the voters in a municipal election is the election of persons to office and if, at the close of business on the sixty-fourth day before the election, the town clerk has not received more candidate nomination petitions, INCLUDING AFFIDAVITS OF INTENT FOR WRITE-IN CANDIDATES, than there are offices to be filled at such election, the town clerk, if instructed by resolution of the town council either before or after such date, shall cancel the election and the town council shall by resolution declare the candidates elected. Upon such declaration, the candidates shall be deemed elected. Notice of such cancellation shall be published, if possible, in order to inform the electors of the town, and notice of such cancellation shall be posted at each polling place and in not less than one other public place.

1.16.050 – WRITE-IN CANDIDATES – AFFIDAVIT REQUIRED.

NO WRITE-IN CANDIDATE FOR ANY MUNICIPAL 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 SIXTY-FOUR (64) 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.

INTRODUCED on February 15, 2022, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado, on March 1, 2022, read by title and number, passed with amendments as set forth herein, approved, and ordered published as required by the Charter.

TOWN COUNCIL OF THE TOWN OF
NEW CASTLE, COLORADO

By: _____

Art Riddile, Mayor

ATTEST:

Melody Harrison
Melody Harrison, Town Clerk

