

**TOWN OF NEW CASTLE
RESOLUTION NO. 2024-5**

**A RESOLUTION OF THE NEW CASTLE TOWN COUNCIL PROVIDING
FOR THE CANCELLATION OF THE APRIL 2, 2024 REGULAR MUNICIPAL
ELECTION IN ACCORDANCE WITH SECTION 1.16.040 OF THE
TOWN OF NEW CASTLE MUNICIPAL CODE**

WHEREAS, Section 2.1 of Article II of the Town of New Castle Home Rule Charter provides that "Town elections shall be governed by the Colorado Municipal Election Code of 1965, as now existing or hereafter amended or modified, except as otherwise provided in this Charter, or by ordinance;" and

WHEREAS, there is currently scheduled on April 2, 2024, a regular election to elect three council members; and

WHEREAS, the Colorado Municipal Election Code provides in C.R.S. § 31-10-507 that if a municipality has adopted an ordinance addressing cancellation of elections, it may cancel an election where there are not more candidates than offices to be filled; and

WHEREAS, Section 1.16.040 of the Town of New Castle Municipal Code provides: "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 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.;" and

WHEREAS, the New Castle Town Council adopted Resolution TC-2024-3 on January 16, 2024, authorizing a mail ballot election; and

WHEREAS, the sixty-fourth day before the regular mail ballot municipal election to be held on April 2, 2024, is February 6, 2024; and

WHEREAS, the deadline for filing nomination petitions was January 22, 2024; and

WHEREAS, the deadline for filing affidavits of intent for write-in candidates was January 29, 2024; and

WHEREAS, there are currently no more than one (1) candidate for each seat to be filled based upon those filing nomination petitions and affidavits of intent to be write-in candidates, and the council desires to cancel the election and declare the candidates elected, as provided by C.R.S. § 31-10-507; and

WHEREAS, the only matter before the voters is the election of candidates to office.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of New Castle, Colorado that:

Section 1. Effective at the close of business on January 29, 2024, there was not more than one candidate per seat to be filled, including candidates filing affidavits of intent to be write-in candidates and the Town Clerk is hereby directed to cancel the April 2, 2024, regular election for the Town of New Castle.

Section 2. When the Town Clerk cancels the election as set forth in Section 1, the candidates are hereby deemed elected. The Town Clerk shall adopt a subsequent Resolution acknowledging the named individuals elected.

Section 3. Section 3.7 of the Town of New Castle Home Rule Charter provides that an organizational meeting shall be held at the first regular council meeting following each general Town election. The organizational meeting shall be held on April 16, 2024, at which time the oaths of office shall be administered.

Section 4. The Town Clerk shall publish notice of such cancellation and shall post notice of such cancellation at each polling place as well as on the public notice posting boards pursuant to Resolution TC 2024-01 of the New Castle Town Council.

THIS RESOLUTION was read and adopted by the Town Council of the Town of New Castle, Colorado, at its regular meeting on February 6, 2024 by a vote of 7 to 0.





Mayor Art Riddle

ATTEST:



Town Clerk Mindy Andis, CMC