

**TOWN OF PARACHUTE, COLORADO
ORDINANCE NO. 738-2018**

AN EMERGENCY ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE, COLORADO AMENDING THE PARACHUTE MUNICIPAL CODE BY THE ADOPTION OF A NEW CHAPTER 3.10 REGARDING THE CONDUCT OF UNOPPOSED MUNICIPAL ELECTIONS.

WHEREAS, the Town of Parachute (“Parachute” or the “Town”) is a home-rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Parachute Home Rule Charter; and

WHEREAS, pursuant to the Colorado Municipal Election Code, C.R.S. § 31-10-101 *et seq.*, including Section 31-10-306 thereof, the Town Board may provide by ordinance that any write-in candidate for any municipal office must first submit and affidavit of intent with the Town Clerk; and

WHEREAS, Section 31-10-507 of the Municipal Election Code further authorizes the Town to provide by ordinance that a municipal election may be cancelled in the event that no office is contested; and

WHEREAS, the Town is scheduled to conduct a regular municipal election on April 3, 2018, with costs of conducting said municipal election to be borne by the Town of Parachute and its citizens and taxpayers; and

WHEREAS, the Town Clerk has accepted candidates for Town Board seats and determined that no Board seat is being contested by multiple potential candidates; and

WHEREAS, the Town Board, therefore, finds and declares that it is in the best interest of the public welfare and fiscal responsibility to adopt a new Chapter 3.10 of the Parachute Municipal Code to allow for the cancellation of unopposed municipal elections as set forth herein; and

WHEREAS, due to the timing of the regular meeting of the Parachute Board of Trustees, and the urgency of adoption of this Ordinance to ensure the protection of the public welfare as herein stated, this Ordinance must be adopted as an emergency ordinance to be effective immediately.

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

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Parachute Municipal Code is hereby amended by the addition of a new

Chapter 3.10, as follows:

CHAPTER 3.10 – BOARD OF TRUSTEES

3.10.010 - Conduct of elections.

(a) All elections shall be held and conducted in accordance with the provisions of Article V of the Charter; provided, however, that any municipal election of the Town may be conducted by mail ballot as provided below.

(b) Upon the call of a mail ballot election by resolution of the Town Board, the Town Clerk is authorized to conduct elections by mail ballot.

(c) Unless provided otherwise by the Charter or this Code, such elections shall be conducted pursuant to the requirements of Article 7.5 of Title 1, C.R.S., the Colorado Mail Ballot Election Act, as it may be amended from time to time, except the following provisions thereof:

- a. Section 1-7.5-107.3, C.R.S., regarding county coordinated elections;
- b. Section 1-7.5-109, C.R.S., regarding write-in candidate affidavits; and
- c. Any provisions of the Act that the Town determines are inconsistent with the Town's authority over its elections pursuant to Article XX of the Colorado Constitution.

(d) To the extent that the Colorado Mail Ballot Election Act does not control specific provisions relevant to the conduct of a municipal election conducted by mail ballot, the provisions of the Colorado Municipal Election Code shall apply.

(e) Notwithstanding the provisions of Sections 31-10-302 and 31-10-305, C.R.S., with respect to nomination petitions for candidates for municipal office in a mail ballot election, such nomination petitions shall be circulated no earlier than ninety-one (91) days and no later than seventy-one (71) days prior to the day of the election. Any nomination petition may be amended to correct or replace signatures at any time prior to sixty-eight (68) days prior to the date of the election. Any nomination petition may be amended to cure any other defect at any time prior to sixty-three (63) days prior to the date of the election.

3.10.020 - Write-in candidate affidavit.

No write-in vote for any municipal office shall be counted unless the candidate files an affidavit of intent with the Town Clerk by the close of business on the sixty-fourth day before the election, indicating that such person desires the office and is qualified to assume the duties of that office if elected.

3.10.030 - Cancellation of election.

(a) If, at the close of business on the sixty-fourth day before the election, there are not more candidates than offices to be filled at the election, including candidates filing affidavits of intent as set forth in Section 3.10.020 above, the Town Clerk shall certify such fact to the Town Board; and it shall hold a meeting, by resolution instruct the Town Clerk to cancel the election as it pertains to the Town Board candidates, and declare the candidates elected.

(b) Notice of such cancellation, as it pertains to Town Board candidates, shall be published, if possible, and posted at each polling place and in not less than one (1) other public place.

Section 3. All other ordinances and regulations in conflict with the foregoing are repealed to the extent of the conflict only.

Section 4. This Ordinance is adopted as an emergency ordinance to be effective immediately.

INTRODUCED, READ, PASSED, FINALLY ADOPTED AS AN EMERGENCY, AND ORDERED PUBLISHED AS SOON AS REASONABLY POSSIBLE by a vote of 5 to 0 of the Board of Trustees of the Town of Parachute, Colorado at a regular meeting held at Town Hall in the Town of Parachute, Colorado, on the 15th day of February 2018 and approved by the Mayor on the 15th day of FEBRUARY 2018.

**BOARD OF TRUSTEES OF THE TOWN
OF PARACHUTE, COLORADO**

By: _____

Roy McClung
Roy McClung, Mayor

ATTEST:

Lucy Cordova
Lucy Cordova, Town Clerk

PUBLIC NOTICE

Public notice is hereby given that an Ordinance entitled:

AN EMERGENCY ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE, COLORADO AMENDING THE PARACHUTE MUNICIPAL CODE BY THE ADOPTION OF A NEW CHAPTER 3.10 REGARDING THE CONDUCT OF UNOPPOSED MUNICIPAL ELECTIONS

was introduced and adopted as an emergency ordinance of the Board of Trustees on February 15th, 2018; and that a copy of said Ordinance is posted at Town Hall.

Copies of the adopted ordinance are available for inspection at the Town Hall, Parachute, Colorado and available on the internet at <http://www.parachutecolorado.com>.

Dated this 15th day of February 2018.

Lucy Cordova
Lucy Cordova, Town Clerk