

Town of Rico Memorandum

Date: August 5<sup>th</sup>, 2022

TO: Town of Rico Board of Trustees

From: Chauncey McCarthy

**Consideration of first reading of Ordinance No. 2022-08 an ordinance of the town of Rico, Colorado adopting election regulations for the town's regular municipal election to be held on November 1, 2022.**

Included in this packet is Ordinance No. 2022-08 which will adopt election regulations for the town's regular municipal election to be held on November 1, 2022. Due to the town's home rule charter the town cannot participate in a coordinated election and will need to hold an election on November 1, 2022

Staff recommended motion:

- I move to approve first reading of Ordinance No. 2022-08 an ordinance of the town of Rico, Colorado adopting election regulations for the town's regular municipal election to be held on November 1, 2022.

**Consideration of first reading of Ordinance No. 2022-09 an ordinance of the town of Rico, Colorado referring to the registered electors of the town of Rico at the town's regular municipal election to be held on November 1, 2022, a question asking whether section 11 of the town's home rule charter shall be amended to facilitate the town's participation in coordinated elections.**

Included in this packet is Ordinance No. 2022-09 referring to the registered electors of the town of Rico at the town's regular municipal election to be held on November 1, 2022, a question asking whether section 11 of the town's home rule charter shall be amended to facilitate the town's participation in coordinated elections.

Staff recommended motion:

- I move to approve first reading of Ordinance No. 2022-09 an ordinance of the town of Rico, Colorado referring to the registered electors of the town of Rico at the town's regular municipal election to be held on November 1, 2022, a question asking whether section 11 of the town's home rule charter shall be amended to facilitate the town's participation in coordinated elections.

**Town owned fire station parcel**

At last months meeting the Board of Trustees decided it would be best to meet with the Rico Fire Protection District, RFPD, to discuss the town owned fire station parcel. The president of the RFPD and board members have been invited to the August 8<sup>th</sup> meeting.

**TOWN OF RICO  
ORDINANCE NO. 2022-08**

**AN ORDINANCE OF THE TOWN OF RICO, COLORADO ADOPTING  
ELECTION REGULATIONS FOR THE TOWN'S REGULAR MUNICIPAL  
ELECTION TO BE HELD ON NOVEMBER 1, 2022.**

**WHEREAS**, the Town of Rico, Colorado ("Town") is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Town of Rico Home Rule Charter ("Charter"); and

**WHEREAS**, Section 11 of the Town's Charter provides that Town elections shall be governed by the Colorado municipal election laws, except as provided in the Charter, or by ordinance; and

**WHEREAS**, the Board finds and determines that modifying the deadlines provided for in Colorado's municipal election laws as provided in this Ordinance, for the Town's November 1, 2022 regular election only, will facilitate the timelines and deadlines provided for in the Town's Charter; and

**WHEREAS**, the Board finds and determines that delegating authority to the Town Clerk as described in this Ordinance will facilitate an efficient and effective regular municipal election.

**NOW THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF RICO ORDAINS:**

**Section 1.** The recitals hereinabove are hereby adopted as findings and incorporated herein.

**Section 2.** For the Town of Rico November 1, 2022 regular municipal election only, the following provisions of the Colorado Municipal Election Code are modified as follows:

Additions shown in double underline, deletions shown in ~~striketrough~~.

**C.R.S. § 31-10-302(4)**

(4) No petition is valid that does not contain the requisite number of signatures of registered electors. The clerk shall inspect timely filed petitions of nomination to ensure compliance with this section. Such inspection may consist of an examination of the information on the signature lines for patent defects, a comparison of the information on the signature lines with a list of registered electors provided by the county, or any other method of inspection reasonably expected to ensure compliance with this section. Any petition may be amended to correct or replace those signatures

that the clerk finds are not in apparent conformity with the requirements of this section at any time prior to seventeen ~~sixty-three~~ days before the day of election.

### **C.R.S. § 31-10-303(1)**

(1) Any person who has been nominated and who has accepted a nomination may cause his or her name to be withdrawn from such nomination at any time prior to seventeen ~~sixty-three~~ days before election by a written affidavit withdrawing from such nomination. The affidavit stating withdrawal shall be signed by the candidate and filed with the clerk.

### **C.R.S. § 31-10-305**

All petitions of nomination and affidavits that are in apparent conformity with the provisions of section 31-10-302, as determined by the clerk, are valid unless objection thereto is duly made in writing within three days after the filing of the same. In case objection is made, notice thereof shall be forthwith mailed to any candidate who may be affected thereby. The clerk shall decide objections within at least forty-eight hours after the same are filed, and any objections sustained may be remedied or defect cured upon the original petition, by an amendment thereto, or by filing a new petition within three days after the objection is sustained, but in no event later than the eighteenth ~~sixty-fourth~~ day before the day of election. The clerk shall pass upon the validity of all objections, whether of form or substance, and the clerk's decisions upon matters of form shall be final. The clerk's decisions upon matters of substance shall be open to review if prompt application is made, as provided in section 31-10-1401, but the remedy in all cases shall be summary, and the decision of the district court shall be final and not subject to review by any other court; except that the supreme court, in the exercise of its discretion, may review any proceeding in a summary way.

### **C.R.S. § 31-10-306**

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 eighteen ~~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.

### **C.R.S. § 31-10-507**

In any ordinance adopted by the governing body of the municipality requiring an affidavit of intent for write-in candidates as provided in section 31-10-306, the governing body may also provide that, if the only matter before the voters is the election of persons to office and if, at the close of business on the eighteenth ~~sixty-fourth~~ day before the election, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent, the clerk, if instructed by resolution of the governing body either before or after such date, shall cancel the

election and by resolution declare the candidates elected. If so provided by ordinance, 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 municipality, and notice of such cancellation shall be posted at each polling place and in not less than one other public place.

**Section 3.** Except as stated in Section 2 of this Ordinance, the Town’s Charter and the Colorado Municipal Election Code apply to the November 1, 2022 regular municipal election.

**Section 4.** No write-in vote for municipal office shall be counted unless an affidavit of intent has been filed with the clerk by the person whose name is written in on or before Friday, October 14, 2022.

**Section 5.** If the only matter before the voters of the Town of Rico on November 1, 2022 is the election of persons to office and if, at the close of business on Friday, October 14, 2022 there are not more candidates than the offices to be filled at the election, including candidates filing affidavits of write-in intent, the Town Clerk, if instructed by resolution of the governing body either before or after such date, shall cancel the election and by resolution declare the candidates elected. Upon such resolution, the candidate(s) shall be deemed elected.

**Section 6.** The Town Clerk shall act as the designated election official for the Town of Rico and the Board hereby delegates to the Town Clerk the authority and responsibility for appointing the judges of election as provided by C.R.S. § 31-10-401. The Board also hereby delegates to the Town Clerk the authority and responsibility to perform other acts and duties and take further measures as necessary to facilitate the November 1, 2022 regular Town election.

**Section 7.** This Ordinance shall take effect immediately upon final adoption.

THIS ORDINANCE WAS, FOLLOWING PUBLIC NOTICE, INTRODUCED, READ, AND APPROVED ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY THIS 8TH DAY OF AUGUST 2022.

TOWN OF RICO, COLORADO

\_\_\_\_\_  
Nicole Pieterse, Mayor

ATTEST:

\_\_\_\_\_  
Anna Wolf, Town Clerk

THIS ORDINANCE WAS, FOLLOWING PUBLIC NOTICE, INTRODUCED, READ ON SECOND READING, PASSED AND ORDERED PUBLISHED BY TITLE ONLY TO BE EFFECTIVE IMMEDIATELY THIS 17TH DAY OF AUGUST 2022.

TOWN OF RICO, COLORADO

ATTEST:

\_\_\_\_\_  
Nicole Pieterse, Mayor

\_\_\_\_\_  
Anna Wolf, Town Clerk

Effective Date: \_\_\_\_\_, 2022

**TOWN OF RICO  
ORDINANCE NO. 2022-09**

**AN ORDINANCE OF THE TOWN OF RICO, COLORADO REFERRING TO THE REGISTERED ELECTORS OF THE TOWN OF RICO AT THE TOWN'S REGULAR MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 1, 2022, A QUESTION ASKING WHETHER SECTION 11 OF THE TOWN'S HOME RULE CHARTER SHALL BE AMENDED TO FACILITATE THE TOWN'S PARTICIPATION IN COORDINATED ELECTIONS.**

**WHEREAS**, the Town of Rico, Colorado ("Town") is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Town of Rico Home Rule Charter ("Charter"); and

**WHEREAS**, Section 14.3 of the Charter provides that the charter may be amended or repealed in the manner provided by Article XX of the Colorado Constitution and by § 31-2-201 et seq., Colorado Revised Statutes, or any successor statute on the same subject; and

**WHEREAS**, Article XX, Section 5 of the Colorado Constitution provides that the Board of Trustees ("Board") may submit a charter amendment to the voters; and

**WHEREAS**, C.R.S. Section 31-2-210(1)(b) provides that a municipality may initiate proceedings to amend its home rule charter via an ordinance adopted by the governing body submitting the proposed amendment to a vote of the registered electors of the municipality; and

**WHEREAS**, Section 11 of the Town's Charter governs the Town's regular elections; and

**WHEREAS**, the Board finds and determines that allowing the Town to coordinate its regular municipal elections with the county and state coordinated elections in November will result in significant cost savings to the Town since the Town will not have to hold separate municipal elections; and

**WHEREAS**, the Board finds and determines that coordinating regular elections will facilitate increased voter participation; and

**WHEREAS**, the Board finds and determines that the ballot question stated in this ordinance addresses the single subject of allowing the Town to coordinate the regular municipal election with the state and county coordinated election and that the submission of the question to the Town's registered electors is in the best interests of the Town.

**NOW THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF RICO ORDAINS:**

**Section 1.** The recitals hereinabove are hereby adopted as findings and incorporated herein.

**Section 2.** The following question stated in Section 3 below shall be submitted to the registered voters of the Town of Rico voting at the regular municipal election which shall be held on Tuesday, November 1, 2022.

**Section 3.** The Town Clerk shall cause a notice of election for the following ballot question to be published, consistent with the requirements of C.R.S. § 31-2-210(4), in substantially the following form and add shall the question to the regular municipal ballot on November 1, 2022:

SHALL SECTION 11 OF THE TOWN OF RICO HOME RULE CHARTER BE REPEALED AND REPLACED TO READ AS FOLLOWS:

§ 11.1 ELECTION RULES. TOWN ELECTIONS SHALL BE GOVERNED BY THE COLORADO MUNICIPAL ELECTION LAWS OR THE UNIFORM ELECTION CODE OF THE COLORADO REVISED STATUTES, AS AMENDED FROM TIME TO TIME, EXCEPT AS OTHERWISE PROVIDED IN THIS CHARTER OR BY ORDINANCE HEREAFTER ENACTED. ALL SPECIAL AND REGULAR ELECTIONS SHALL BE NONPARTISAN. NO CANDIDATE FOR ANY MUNICIPAL OFFICE SHALL RUN UNDER ANY PARTY LABEL, UNLESS PERMITTED BY ORDINANCE ADOPTED THIRTY DAYS OR MORE PRIOR TO THE ELECTION.

§ 11.2 REGULAR ELECTIONS. THE TOWN'S REGULAR ELECTIONS SHALL BE HELD IN ACCORDANCE WITH THE COLORADO MUNICIPAL ELECTION LAWS OR THE UNIFORM ELECTION CODE OF THE COLORADO REVISED STATUTES AND THE TOWN MAY, BY RESOLUTION OF THE BOARD OF TRUSEES, PARTICIPATE IN THE COORDINATED ELECTION CONDUCTED BY THE COUNTY IN ANY GIVEN YEAR.

§ 11.3 SPECIAL ELECTION. ANY SPECIAL TOWN ELECTION MAY BE CALLED BY RESOLUTION OF THE BOARD OF TRUSTEES AT LEAST NINETY DAYS IN ADVANCE OF SUCH ELECTION, OR AS PROVIDED IN THE COLORADO MUNICIPAL ELECTION CODE OR THE UNIFORM ELECTION CODE OF THE COLORADO REVISED STATUTES, AS AMENDED FROM TIME TO TIME. THE RESOLUTION OR ORDINANCE CALLING A SPECIAL MUNICIPAL ELECTION SHALL SET FORTH THE PURPOSE OF SUCH ELECTION.

§ 11.4 RECALL ELECTION. RECALL ELECTIONS SHALL BE CONDUCTED IN THE MANNER PROVIDED IN THE COLORADO MUNICIPAL ELECTION CODE OR THE UNIFORM ELECTION CODE OF THE COLORADO REVISED STATUTES, AS AMENDED FROM TIME TO TIME.

**Section 4.** This Ordinance shall take effect immediately upon final adoption.

THIS ORDINANCE WAS, FOLLOWING PUBLIC NOTICE, INTRODUCED, READ, AND APPROVED ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY THIS 8TH DAY OF AUGUST 2022.

TOWN OF RICO, COLORADO

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Nicole Pieterse, Mayor

ATTEST:

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Anna Wolf, Town Clerk

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TOWN OF RICO, COLORADO

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Nicole Pieterse, Mayor

ATTEST:

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Anna Wolf, Town Clerk

Effective Date: \_\_\_\_\_, 2022