

ORDINANCE NO. 4
Series 2016

June 7, 2016: Introduced as Council Bill 4, Series 2016 by Councilor Mike Gallagher, seconded by Councilor Mark Griffin and considered in full text on first reading. Passed by a vote of 6 yes and 0 no.

June 21, 2016: Considered in full text on second reading. Passed by a vote of 5 yes and 0 no.

**A BILL FOR AN ORDINANCE
OF THE CITY OF CHERRY HILLS VILLAGE
AMENDING SECTIONS 2-1-10, 2-1-40 AND 2-1-50
OF THE MUNICIPAL CODE CONCERNING ELECTIONS**

WHEREAS, the City of Cherry Hills Village ("City") is a home rule municipal corporation organized in accordance with Article XX of the Colorado Constitution; and

WHEREAS, the State legislature passed House Bill 15-1130 amending the Colorado Municipal Election Code, specifically extending certain federal procedural requirements established under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) to municipal elections; and

WHEREAS, House Bill 15-1130 requires that ballots must be mailed to voters covered under the UOCAVA no later than forty five days before the date of a non-coordinated municipal mail ballot or polling place election; and

WHEREAS, passage of House Bill 15-1130 necessitates amendments to the election provisions of the City's Municipal Code;

WHEREAS, the State legislature passed Senate Bill 16-142 amending the Colorado Municipal Election Code to adjust the timeline for write-in candidate affidavits and cancellation of election in consideration of UOCAVA timelines established by House Bill 15-1130;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO, ORDAINS:

Section 1. That Section 2-1-10 of the City of Cherry Hills Village Municipal Code is hereby amended to read as follows:

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

(a) All elections shall be held and conducted in accordance with the provisions contained in the City Charter.

(b) ~~The City is authorized to conduct mail ballot municipal elections and to participate in elections coordinated by Arapahoe County.~~ The City shall utilize the requirements and procedures of the Colorado Municipal Election Code of 1965, Section 31-10-101 et seq., C.R.S., with respect to any noncoordinated election, and the Uniform Election Code of 1992, Articles 1 to 13 of Title 1, C.R.S. with respect to any coordinated election, except to the extent that a conflict with the provisions of this Article exists, in which case the provisions of this Article shall prevail.

(c) The City is authorized to conduct mail ballot municipal elections and to participate in elections coordinated by Arapahoe County.

Section 2. That Section 2-1-40 of the City of Cherry Hills Village Municipal Code is hereby amended to read as follows:

Sec. 2-1-40. Write-in candidate affidavit.

No write-in vote for any City elective office shall be counted unless an affidavit of intent has been filed with the City Clerk by the person whose name is written in ~~prior to twenty (20) days before the day of a polling place municipal election, or as specified in the Municipal Election Code or Uniform Election Code as applicable,~~ indicating that such person desires the office and is qualified to assume the duties of the office, if elected.

Section 3. That Section 2-1-50 of the City of Cherry Hills Village Municipal Code is hereby amended to read as follows:

Sec. 2-1-50. Cancellation of election.

(a) A regular or special municipal election may be cancelled when the ballot contains no questions for the electorate to determine the passage or defeat thereof and there is not more than one (1) candidate per seat to be filled at such election, including candidates filing affidavits of intent as set forth in Section 2-1-40. The City Council may by resolution delegate to the City Clerk the authority to cancel said elections as specified in the Municipal Election Code on the nineteenth day before a polling place election, the twenty-ninth day before a mail ballot election, or as specified in the Uniform Election Code for coordinated election as applicable, and to declare the candidates elected. Upon such declaration, the candidates shall be deemed elected.

(b) Notice of such cancellation of the municipal election shall be published forthwith in the legal newspaper of the City and posted at the ~~v~~Village ~~e~~Center in order to inform the electorates.

Section 4. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion be declared invalid.

Section 5. Codification Amendments. The codifier of the City's Municipal Code, Municipal Code Corporation, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Cherry Hills Village Municipal Code.

Section 6. Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 7. Effective Date. This Ordinance shall become effective ten (10) days after publication after second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.

Adopted as Ordinance No. 4, Series 2016, by the City Council of the City of Cherry Hills Village, Colorado, on the 21st day of June, 2016.

(SEAL)


Laura Christman, Mayor

ATTEST:


Laura Smith, City Clerk

APPROVED AS TO FORM:


Linda C. Michow, City Attorney

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CITY OF CHERRY HILLS VILLAGE
ADOPTION OF ORDINANCE
ORDINANCE 4, SERIES 2016

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LAGE AMENDING SECTIONS 2-1-
10, 2-1-40 AND 2-1-50 OF THE
MUNICIPAL CODE CONCERNING
ELECTIONS

Copies of the Ordinances are on
file at the office of the City Clerk
and may be inspected during reg-
ular business hours.

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