

TOWN OF BERTHOUD
ORDINANCE NO. 1229

**AN ORDINANCE REPEALING AND REENACTING SECTION 3.8-1 AND 3.8-2 OF THE
TOWN OF BERTHOUD MUNICIPAL CODE REGARDING DEADLINES FOR
AFFIDAVITS FOR WRITE IN CANDIDATES AND CANCELLATION OF ELECTIONS**

WHEREAS, the Town of Berthoud Municipal Code provides for the cancellation of a municipal election under specific circumstances; and

WHEREAS, the Town of Berthoud Municipal Code allows for write-in candidates at a municipal election only if an affidavit of intent to be a write-in candidate has been filed; and

WHEREAS, The Town of Berthoud Municipal Code is not currently consistent with the provisions C.R.S. 31-10-912 regarding write-in candidates; and

WHEREAS, The Town of Berthoud Municipal Code is not currently consistent with the provisions C.R.S. 31-10-507 regarding the cancellation of an election; and

WHEREAS, The Town Board of the Town of Berthoud desires the Berthoud Municipal Code to be consistent with the provisions of the Colorado Municipal Election Code; and

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE
TOWN OF BERTHOUD, COLORADO, THAT:**

1. Section 3.8-1 of the Town of Berthoud Municipal Code is hereby repealed and re-enacted to read as follows:

Section 3.8-1 Write-In Candidate - Affidavit

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 not later than 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.

2. Section 3.8-2 of the Town of Berthoud Municipal Code is hereby repealed and reenacted to read as follows

Section 3.8-2 Election May Be Canceled When

If the only matter before the voters is the election of persons to office and if, at the close of business sixty-four (64) days before the election, there are not more candidates than offices to be filled at such elections, including candidates filing affidavits of intent, the clerk, if instructed by resolution of the Board of Trustees either before or after such date, shall cancel the elections 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.

3. The Town Board finds and concludes that this ordinance is necessary for the immediate preservation of the peace, health, welfare, safety and economic well-being of the TOWN OF BERTHOUD, and shall take effect immediately upon passage by the Board of Trustees.

INTRODUCED, READ and PASSED unanimously this 12th day of December, 2017.

Attest:

Christian Samora, Town Clerk

Town of Berthoud

Steve Mulvihill, Mayor

