

RECORD OF PROCEEDINGS

ORDINANCE #2-1992

AN ORDINANCE CONCERNING THE ELIGIBILITY OF WRITE-IN CANDIDATES AND WHEN ELECTIONS MAY BE CANCELLED WITH RESPECT TO MUNICIPAL ELECTIONS.

WHEREAS, Colorado Revised Statutes 31-10-306 (1973) as amended, provides that the governing body may by ordinance provide 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 twenty (20) 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; and

WHEREAS, Colorado Revised Statutes 31-10-507 (1973) as amended, provides that 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 nineteenth 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, and if so provided by ordinance, upon such declaration the candidates shall be deemed elected; and

WHEREAS, the Board of Trustees of the Town of Fleming, Colorado, finds and determines that it would be in the best interest of the Town of Fleming that write-in candidates be required to file their affidavit of intent in order to more accurately inform the citizens and voters of the Town of Fleming, who has declared his or her intent to seek municipal office as a bona-fide candidate; and

WHEREAS, the Board of Trustees of the Town of Fleming, Colorado, finds and determines that it would be economically and financially advantageous to be permitted to cancel municipal elections in the event there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FLEMING, COLORADO, AS FOLLOWS:

Section 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 Fleming Town Clerk by the person whose name is written in prior to twenty (20) 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.

Section 2. Election may be Cancelled - When. If the only matter before the voters is the election of persons to office and if, at the close of business on the nineteenth day before the election, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent, the Fleming 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 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 place.

RECORD OF PROCEEDINGS

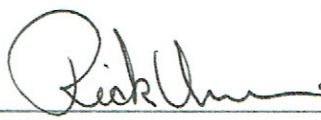
Section 3. Repeal. Any or all ordinances or part of ordinances of the Town of Fleming in conflict or inconsistent herewith are hereby repealed, PROVIDED, HOWEVER, that the repeal of any ordinance or parts of ordinances of the Town of Fleming shall not revive any other section of any ordinance or ordinances heretofore repealed or superseded.

THIS ORDINANCE #2-1992, shall become effective upon its final reading and option.

INTRODUCED, READ AND ORDERED POSTED IN THE FOLLOWING THREE PLACES, UPON FIRST READING THIS 7TH DAY OF APRIL, 1992.

1. Fleming Town Hall
2. Fleming Post Office
3. First National Bank of Fleming

PASSED AND ADOPTED ON SECOND READING THIS 5th DAY OF MAY, 1992.



Mayor

ATTEST:



Susan J. Einspahr, Town Clerk