

**TOWN OF TIMNATH, COLORADO
ORDINANCE NO. 2, SERIES 2024**

**AN ORDINANCE AUTHORIZING A MAIL BALLOT ELECTION ON APRIL 2, 2024,
AND SETTING FORTH OTHER DETAILS RELATING THERETO**

WHEREAS, The Town of Timnath (the “**Town**”) is a home rule municipality operating under the Timnath Home Rule Charter (the “**Charter**”) and the Town’s Municipal Code (the “**Code**”). Pursuant to the Charter, the Code and the authority given home rule municipalities, the Town may adopt and amend ordinances; and

WHEREAS, the members of the Town Council of the Town (the “**Council**”) have been duly elected and qualified; and

WHEREAS, April 2, 2024, is the date of the next regular election in the Town; and

WHEREAS, pursuant to Article IV, Section 4.1 of the Charter, the conduct of the Election shall be governed by §§ 31-10-101 *et seq.*, C.R.S. (the “**Colorado Municipal Election Code of 1965**”);

WHEREAS, the Council has determined that the Election shall be conducted as an independent mail ballot election pursuant to § 31-10-908, C.R.S.; and

WHEREAS, it is necessary to set forth certain procedures concerning the conduct of the Election.

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF TIMNATH, COLORADO, ORDAINS:

ARTICLE 1 – REGULAR ELECTION

The Council hereby determines that the regular election of the Town shall be held on April 2, 2024 (the “**Election**”) for the election of Councilmembers and for determination of any ballot questions or ballot issues duly referred to the registered electors by the Town Council by separate Ordinance or Resolution for the Election. The Election and shall be conducted as an independent mail ballot election pursuant to the provisions of the Colorado Municipal Election Code of 1965.

ARTICLE 2 – DESIGNATED ELECTION OFFICIAL

The Town Clerk is hereby appointed as the designated election official of the Town for the purposes of performing acts required or permitted by law to be conducted by an election official or the Town Clerk in connection with the Election. The Town Clerk is directed to take such actions as are necessary or convenient to the conduct of the Election and may execute such documents as may be required in furtherance of this power.

ARTICLE 3 – ELECTION JUDGES

The Town Clerk is authorized and directed to appoint election judges pursuant to § 31-10-401, C.R.S.

ARTICLE 4 – NOMINATING PETITIONS

Pursuant to § 31-10-302, C.R.S., the nomination petition for each candidate for Mayor or Councilmember shall be signed by not fewer than ten (10) registered electors. Petitions shall not be circulated nor signatures obtained prior to ninety-one (91) days before the Election (**January 2, 2024**). Petitions shall be filed with the Town Clerk not later than seventy-one (71) days before the Election (**January 22, 2024**).

ARTICLE 5 – WRITE-IN CANDIDATES

Write-in candidates shall be allowed. A write-in candidate must sign an affidavit that, if elected, he or she will serve in the office for which he or she is running. Such affidavit must be submitted to the Town Clerk no less than sixty-four (64) days prior to the Election (**January 29, 2024**).

ARTICLE 6 – CANCELLING THE ELECTION

Pursuant to § 31-10-507, C.R.S., the Town Council may provide that, if the only matter before the voters is the election of persons to office and if, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent, the Town Clerk, shall cancel the election and by ordinance declare the candidates elected. The Town Council authorizes and directs the Town Clerk to cancel the Election if, the day after the write-in candidate deadline (**February 1, 2024**), or anytime thereafter, there are not more candidates than offices to be filled at the Election. Notice of such cancellation shall be published, 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.

ARTICLE 7 – MUNICIPAL ELECTION CODE

Unless otherwise defined herein, all terms used herein shall have the meanings provided in the Colorado Municipal Election Code of 1965.

ARTICLE 8 – RATIFICATION

All action heretofore taken (not inconsistent with the provisions of this Ordinance) by the Town, the Council, and the Town Clerk, directed towards the Election and the objects and purposes stated herein is hereby ratified, approved and confirmed.

ARTICLE 9 – SEVERABILITY

If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given effect without the invalid provision, part or application, and to this end the provisions and parts of this Ordinance are declared to be severable.

ARTICLE 10 – EFFECTIVE DATE

This Ordinance shall take effect upon adoption at second reading, as provided by Section 3.5.5 of the Charter.

INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON FIRST READING, ON JANUARY 9, 2024, AND SET FOR PUBLIC HEARING AND SECOND READING AT 6 P.M. ON JANUARY 23, 2024 AT THE TIMNATH TOWN CENTER, 4750 SIGNAL TREE DRIVE, TIMNATH COLORADO AND ORDERED PUBLISHED BY TITLE THIS 9TH DAY OF JANUARY, 2024.

MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON JANUARY 23, 2024.

TOWN OF TIMNATH, COLORADO



Brett Hansen, Mayor Pro Tem

ATTEST:



Milissa Peters-Garcia, CMC
Town Clerk

