

**TOWN OF BUENA VISTA, COLORADO
ORDINANCE NO. 10
(SERIES OF 2015)**

**AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO,
AMENDING ARTICLE 1 OF CHAPTER 2 OF THE BUENA VISTA
MUNICIPAL CODE REGARDING DEADLINES FOR AFFIDAVITS FOR
WRITE IN CANDIDATES AND CANCELLATION OF ELECTIONS**

WHEREAS, Section 2-2 of the Buena Vista Municipal Code requires that any write-in candidate must file with the Town Clerk an affidavit of intent prior to twenty (20) days before the election for write-in votes for that candidate to be counted;

WHEREAS, the Town, on occasion, will participate in a coordinated election with Chaffee County under the Uniform Election Code, C.R.S. §§ 1-1-101, *et seq.* or conduct a mail ballot election;

WHEREAS, the Uniform Election Code and C.R.S. § 31-10-912 require that write-in candidate affidavits must be filed no later than sixty-four (64) days before the election date, which requirement conflicts with Buena Vista Municipal Code Section 2-2;

WHEREAS, C.R.S. § 31-10-102.8 was amended in 2015 to require that ballots for active military and overseas voters be mailed no later than forty-five days prior to the election resulting in conflict with Section 2-2;

WHEREAS, the Board of Trustees desires to amend Section 2-2 to resolve this conflict;

WHEREAS, the Uniform Election Code provides for the cancellation of an election on the sixty-third day before the election if in a nonpartisan election, there are not more candidates than offices to be filled at the election, which conflicts with Buena Vista Municipal Code Section 2-3;

WHEREAS, to conform the cancellation provisions found in Section 2-3 of the Buena Vista Municipal Code to the new affidavit deadline write-in candidates, the Uniform Election Code and C.R.S. § 31-10-912, the Board of Trustees desires to amend Section 2-3.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO:

Section 1. Section 2-2 of the Buena Vista Municipal Code is hereby repealed and reenacted to read as follows:

Sec. 2-2. Write-in candidate's affidavit.

No write-in vote for any Town office shall be counted unless an affidavit of intent has been filed with the Town Clerk by the person whose name is written in not later than 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.

Section 2. Section 2-3 of the Buena Vista Municipal Code is hereby repealed and reenacted to read as follows:

Sec. 2-3. 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 sixty fourth day before the election, there are not more candidates than offices to be filled at such election, including write-in candidates filing affidavits of intent pursuant to Section 2-2 above, the Town Clerk, if instructed by resolution of the Board of Trustees either before or after such date, shall cancel the election and by resolution declare the candidates elected and upon such declaration the candidates shall be deemed elected. Notice of cancellation shall be published by the Town Clerk, if possible, in order to inform the electors, and notice of cancellation shall be posted at each polling place and in not less than one (1) other public place.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this 24th day of November, 2015.

THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY DAYS FROM PUBLICATION.

TOWN OF BUENA VISTA, COLORADO

By: 
Mayor, Joel Benson

ATTEST:


Town Clerk, Mary Jo Bennetts

