

APRIL ELECTION CODE COMMITTEE DRAFT FOR DISCUSSION

ARTICLE VIII. ELECTIONS

Section 1. Applicability of state constitution.

The Council shall provide by ordinance for the manner of holding city elections. All ordinances regarding elections shall be consistent with the provisions of this Charter and the state Constitution. Any matter regarding elections not covered by the state Constitution, this Charter or ordinance of the Council shall be governed by the laws of the State of Colorado relating to municipal elections, or coordinated municipal elections, as applicable.

(Res. No. 71-12, 2-11-71, approved, election 4-6-71; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 080, 2022, § 2, 7-5-22, approved, election 11-8-22; Ord. No. 081, 2022, § 2, 7-5-22, approved, election 11-8-22)

Section 2. City elections.

A regular city election shall be held on the first Tuesday in November of every odd-numbered year. All other municipal elections shall be known as special city elections and shall be called by ordinance and shall be held in accordance with the provisions of this Charter and any ordinances adopted pursuant thereto. All municipal elections shall be nonpartisan.

In order to implement a change of regular city elections from April of each odd-numbered year to November of each odd-numbered year, the term of the Mayor and each Councilmember shall be extended to such time as a successor elected in November of the appropriate odd-numbered year (consistent with Article II, Section 1(b)) takes office, unless otherwise ended due to an event of vacancy or recall. Such change in term length shall have no effect on the number of terms any such officer may be elected under the applicable term limits.

(Ord. No. 23, 1981, 2-17-81, approved, election 4-7-81; Ord. No. 201, 1986, § 1, Part B, § 2, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 154, 1988, 12-20-88, approved, election 3-7-89; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 081, 2022, § 2, 7-5-22, approved, election 11-8-22)

Section 3. Nomination; withdrawal from nomination.

Any person who is qualified at the time of nomination for the office to be filled may be nominated for the elective office by petition. A nominating petition for the office of Mayor shall be signed by not less than twenty-five (25) registered electors. A nominating petition for District Council office shall be signed by not less than twenty-five (25) registered electors residing in that District. A registered elector may sign one (1) petition for each office for which the elector is entitled to vote at the election. If an elector should sign more petitions than entitled, said elector's signature shall be void as to all petitions which the elector signed.

Nominating petitions must be filed with the City Clerk. The Council shall enact an ordinance specifying the time frame for circulation and submittal of nominating petitions and the deadline for withdrawal from candidacy for municipal office. Such time frame shall not be changed within **one hundred eighty (180)** days immediately prior to the election. No nominating petition shall be accepted unless the candidate completes a verified acceptance of the nomination certifying that he or she is not a candidate, directly or indirectly, of any political party, and that he or she meets the qualifications for office and will serve if elected.

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A person who has been nominated may withdraw from candidacy by filing a written request to do so with the City Clerk before the deadline established by Council ordinance for such withdrawal, and no name so withdrawn shall be placed upon the ballot.

(Ord. No. 12, 1977, 2-15-77, approved, election 4-5-77; Ord. No. 201, 1986, § 1, Part E, § 3, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 081, 2022, § 2, 7-5-22, approved, election 11-8-22)

Section 4. Petitions.

- (a) Form; circulation. The Council shall prescribe by ordinance, upon recommendation of the City Clerk, the form for a nominating petition which shall include such warnings and notices to signers as may be deemed appropriate by the Council, as well as the candidate's verified acceptance of nomination. The signatures on a nominating petition need not all be subscribed on one (1) page, but to each separate section of the petition there shall be attached a signed statement of the circulator thereof, stating the number of signers on that section of the petition, and that each signature thereon was made in the circulator's presence and is the genuine signature of the person whose name it purports to be. When executed, such statement shall be accepted as true until it shall be proved false. If any portion is proved false, that portion of any petition shall be disregarded. Following each signature on the petition of nomination shall be written the printed name and the residence address of the signer, and the date of signing. All nominating papers comprising a petition shall be filed as one (1) instrument.
- (b) Sufficiency of petition. Upon receipt of a nominating petition, the City Clerk shall forthwith examine the petition, and within **five (5) working** days after the filing of the petition, notify the candidate in writing of the results of the examination, specifying the particulars of insufficiency, if any. Within the regular time for filing petitions, an insufficient petition may be amended and filed again as a new petition, in which case the time of the first filing shall be disregarded in determining the validity of signatures thereon, or a different petition may be filed for the same candidate. The petition for each candidate elected to office shall be preserved by the City Clerk until the expiration of the terms of office for such person.
- (c) No person shall receive any compensation whatever for signing a nominating petition.

(Ord. No. 12, 1977, 2-15-77, approved, election 4-5-77; Ord. No. 201, 1986, § 1, Part E, § 4, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved election 3-3-87; Ord. No. 158, 1988, 12-20-88, approved, election, 3-7-89; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 005, 2015, § 1, 1-20-15, approved, election of 4-7-15)

Section 5. Board of Elections for City-administered elections.

There is hereby created a Board of Elections consisting of the City Clerk, Chief Deputy City Clerk, and Chief Judge. The Board shall be responsible for any election duties specified in this Charter and for such additional duties related to the conduct of elections by the City as may be established by the Council by ordinance.

(Ord. No. 201, 1986, § 1, Part H, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 022, 2007, §1, 2-20-07, approved, election 4-3-07; Ord. No. 015, 2021, § 2, 1-19-21, approved, election 4-6-21; Ord. No. 081, 2022, § 2, 7-5-22, approved, election 11-8-22)

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Section 6. Appearance of names on ballot.

Every ballot shall contain the names of all duly nominated candidates for offices to be voted for at that election, except those who have died or withdrawn. The names shall be arranged in alphabetical order of surname for each office, and shall not contain any title or degree designating the business or profession of the candidate. The candidate's name may be a nickname, but shall not include any punctuation marks setting out the nickname.

(Ord. No. 129, 1999, § 1, 8-17-99, approved, election 11-2-99)

Section 7. Certification of election results.

- (a) No later than the date specified by Council by ordinance and, after verifying the total number of legal votes cast for each candidate and measure voted upon, the Board of Elections shall complete a certificate declaring the results of the election. The candidate receiving the highest number of votes for a particular office, as determined pursuant to this Section 7, shall be declared elected to that office. In event of a tie, the selection shall be made by the Board of Elections by lot after notice to the candidates affected. In case the candidate elected fails to qualify ~~within sixty (60) days~~ **by no later than 30 working days after** the date of issuance of the certificate of election, tabulation of results in that contest shall be rerun with the disqualified candidate being eliminated prior to any tabulation and the candidate with the resulting highest vote shall be elected, and the candidate failing to qualify shall forfeit his or her office whether or not such candidate has taken the oath of office. If there is no other elected successor who qualifies, the office shall be deemed vacant, and shall be filled by appointment by the remaining members of the council, as provided in Article II, Section 18. In the event of a mandatory recount or recount by request, the Board of Elections shall complete an amended certificate declaring the results of the election ~~by no later than the fifth day~~ **five (5) working days** after the completion of the recount.
- (b) For coordinated city elections (which are not administered by the City), the election shall be determined and certified and any tie vote or recount shall be administered, as provided in the applicable state law. The candidate receiving the highest number of votes for a particular office, as determined pursuant to Section 7(c), shall be declared elected to that office.
- (c) Ranked voting methods. Beginning in 2025, the candidate receiving the highest number of votes for a particular office will be determined using a ranked voting method.
- (1) For a City-administered election, the ranked voting method will be in accordance with specifications adopted by the City Council by ordinance.
 - (2) For a coordinated election, the ranked voting method will be in accordance with, and as provided by, applicable state law.

Commented [CD1]: Suggesting a shorter timeframe for this; other jurisdictions tend to have shorter windows for it.

(Ord. No. 197, 1986, § 1, Parts C, M, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Parts V, W, 12-16-86, approved, election 3-3-87; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 129, 1999, § 2, 8-17-99, approved, election 11-2-99; Ord. No. 022, 2007, § 1, 2-20-07, approved, election 4-3-07; Ord. No. 001, 2017, § 2, 1-17-17, approved, election 4-4-17; Ord. No. 080, 2022, § 2, 7-5-22, approved, election 11-8-22; Ord. No. 081, 2022, § 2, 7-5-22, approved, election 11-8-22)

Section 8. Campaign contributions.

The Council shall act by ordinance to establish a limit on the amount that any person or entity may contribute in support of a candidate for Council on the ballot at any city election.

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No political party or city employee, directly or indirectly, and no public service corporation, nor any other person, firm or corporation, owning, interested in, or intending to apply for any franchise or contract with the city shall contribute or expend any money or other valuable thing, directly or indirectly, to assist in the election or defeat of any candidate.

(Ord. No. 6, 1980, 1-16-80, approved, election 2-26-80; Ord. No. 208, 1984, 1-15-85, approved, election 3-5-85; Ord. No. 201, 1986, § 1, Part M, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Parts V, W, 12-16-86, approved, election 3-3-87; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 129, 1999, § 2, 8-17-99, approved, election 11-2-99)

Section 9. Corrupt practices.

Any person who violates at a city election any state law, provision of this Charter or ordinance of the city shall, upon conviction thereof, be disqualified from holding any city position or employment for two (2) years, or any elective city office for four (4) years.

(Ord. No. 201, 1986, § 1, Parts J, M, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Parts V, W, 12-16-86, approved, election 3-3-87; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 129, 1999, § 2, 8-17-99, approved, election 11-2-99)

Commented [CD2]: Note difference from Article IX, Section 1(d) regarding 2-year disqualification if recalled

Section 10. Validity of City-administered elections.

No City-administered election shall be invalidated if it has been conducted fairly and in substantial conformity with the requirements of this Charter.

(Ord. No. 201, 1986, § 1, Part M, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Parts V, W, 12-16-86, approved, election 3-3-87; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 129, 1999, § 2, 8-17-99, approved, election 11-2-99; Ord. No. 081, 2022, § 2, 7-5-22, approved, election 11-8-22)

Section 11. Further regulations.

The Council may, by ordinance, make such further rules and regulations as are consistent with this Charter and the Colorado Constitution in order to carry out the provisions of this Article.

(Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 129, 1999, § 2, 8-17-99, approved, election 11-2-99)