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Date: March 11, 2024
To: Mayor Kudron and the Board of Trustees
From: John Crone, Town Manager
Re: Ordinance 03-2024, Amending Town Code 3-1-2, Write-in Candidate Affidavit

Background

While preparing for this year's municipal election, staff discovered that our Town Code is no longer in compliance with state statute regarding the timeframe for turning in an affidavit of intent by write-in candidates. The Town Code required write-in candidates to turn in affidavits of intent at least twenty days before the election. State statute currently requires that the affidavit be turned in at least sixty-four days before the election.

Rather than changing our code to match the sixty-four days currently required by the state statute staff recommends that the Board mend the town code to state that the affidavit must be turned in within the timeframe mandated by the state statute as it may be amended. This will keep our code current even if the state changes the requirement in the future.

Motion

If the Board of Trustees desires to amend the Town Code to stay in compliance with state statute, then it may do so by approving the following motion:

I move to adopt Ordinance 03-2024, Amending Town Code Title 3, Article 1, Section 2, Write-in Candidate Affidavit.

**TOWN OF GRAND LAKE
BOARD OF TRUSTEES
ORDINANCE NO. 03-2024**

**AN ORDINANCE AMENDING GRAND LAKE MUNICIPAL CODE 3-1-2
REGARDING WRITE-IN CANDIDATE AFFIDAVITS**

WHEREAS, the Board of Trustees of the Town of Grand Lake, Colorado, pursuant to Colorado statute and the provisions of the Grand Lake Municipal Code, is vested with the authority of administering the affairs of the Town of Grand Lake, Colorado (“the Town”); and

WHEREAS, the Town of Grand Lake Municipal Code Title 3, Article 1, Section 2 was adopted to set forth the requirements of write-in candidates in Town elections; and

WHEREAS, the Town Code Municipal Code Title 3, Article 1, Section 2 provides that all write-in candidates must provide an affidavit of intent; and

WHEREAS, the Board of Trustees of the Town of Grand Lake has determined that the code as written does not comply with current state statutes; and

WHEREAS, the Board of Trustees of the Town of Grand Lake has determined that the Grand Lake Municipal Code must be updated to come into compliance with current state statutes.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE, COLORADO, THAT:

1. Section 3-1-2 of the Grand Lake Municipal Code is hereby amended with the addition of the **bold underlined** language and the deletion of the ~~striketrough~~ language to read in its entirety as follows:

3-1-2 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 Town Clerk by the person whose name is written in ~~prior to twenty (20) days before the day of the election~~ **within the timeframe dictated by Colorado Revised Statute 1-13.5-305, as may be amended**, indicating that such person desires the office and is qualified to assume the duties of that office if elected.

2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part hereof

irrespective of the fact that any one part or parts are declared unconstitutional or otherwise invalid.

3. Repeal. Existing ordinances or parts of ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance. Except as specifically amended by this ordinance, all other provisions of the Grand Lake Town Code shall remain in full force and effect.

INTRODUCED, APPROVED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF GRAND LAKE THIS 11TH DAY OF MARCH 2024.

Votes Approving: _____
Votes Opposed: _____
Absent: _____
Abstained: _____

ATTEST:

**BOARD OF TRUSTEES OF THE
TOWN OF GRAND LAKE, COLORADO**

Alayna Carrell, Town Clerk

By: _____
Stephan Kudron, Mayor