

Resolution No. TC-2024-3

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE,
COLORADO, AUTHORIZING A MAIL BALLOT ELECTION ON APRIL 2, 2024, AND
SETTING FORTH OTHER DETAILS RELATING THERETO.

WHEREAS, the Town of New Castle (the “Town”), is a duly organized and existing home rule municipality of the State of Colorado, created and operating pursuant to Article XX of the Constitution of the State of Colorado and the home rule charter of the Town; and

WHEREAS, the members of the Town Council of Town of New Castle (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 II, Section 2.6 of the Town Charter, the conduct of the election shall be governed by the Colorado Municipal Election Code of 1965 (the “Municipal Election Code”); and

WHEREAS, the Municipal Election Code provides, at C.R.S. § 31-10-102.7, that any municipality may provide by Resolution that it will utilize the requirements and procedures of the Uniform Election Code of 1992, Articles 1 to 13 of title 1, C.R.S. (the “Uniform Election Code”) in lieu of the Municipal Election Code, with respect to any election; and

WHEREAS, procedures and requirements for mail ballot elections are set forth in Article 7.5 of the Uniform Election Code; and

WHEREAS, the Town has determined that the Town Clerk will conduct the election on April 2, 2024 as an independent mail ballot election pursuant to C.R.S. §§ 1-7.5-104 and 31-10-908; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO, AS FOLLOWS:

Section 1. All action heretofore taken (not inconsistent with the provisions of this resolution) by the Town and the officers thereof, directed towards the election and the objects and purposes herein stated is hereby ratified, approved and confirmed.

Section 2. Unless otherwise defined herein, all terms used herein shall have the meanings defined in the Municipal Election Code.

Section 3. The Council hereby determines that the regular election of the Town to be held on April 2, 2024, shall be conducted as a mail ballot election pursuant to Part 9, Article 10, Title 31 and Article 7.5, Title 1 of the Colorado Revised Statutes. Pursuant to C.R.S. § 31-10-102.7 of the Municipal Election Code, the Town Council elects to utilize certain provisions of the Uniform Election Code with regard to the conduct of the regular Town Election to be held on April 4, 2024. The Council hereby determines that said election shall be conducted as a mail ballot election pursuant to Article 7.5 of the Uniform Election Code; however, to the extent that procedures for the election are not provided in Article 7.5 of the Uniform Election Code, the Municipal Election Code shall apply.

Section 4. The Town Clerk is hereby appointed as the designated election official of the Town for purposes of performing acts required or permitted by law in connection with the election, and she may execute such documents as may be required in furtherance of this power.

Section 5. The Town Clerk is authorized and directed to appoint election judges pursuant to C.R.S. § 31-10-401.

Section 6. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no manner affect any remaining provisions of this resolution.

Section 7. All resolutions or parts of resolutions inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution or part of any resolution heretofore repealed.

Section 8. The effective date of this resolution shall be immediately upon adoption.

SO RESOLVED, at a regular meeting of the Town Council of the Town of New Castle, Colorado, on January 16, 2024, by a vote of ____ to ____.

Mayor Art Riddle

ATTEST:

Town Clerk Mindy Andis, CMC