



## MEMORANDUM

P.O. Box 4100 ♦ FRISCO, COLORADO 80443

**TO:** MAYOR & TOWN COUNCIL  
**FROM:** STACEY NELL, TOWN CLERK  
**RE:** **First Reading Ordinance 24-11: AN ORDINANCE AMENDING CHAPTERS 10 AND 20 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, COLORADO, CONCERNING THE TOWN'S COUNCILMEMBERS AND MAYOR, AND THE TOWN'S ELECTIONS, RESPECTIVELY, TO CHANGE THE DEADLINE FOR FILING OF AN AFFIDAVIT OF INTENT TO BE A WRITE-IN CANDIDATE FOR MUNICIPAL OFFICE, AND THE PROCESS FOR CANCELLING AN ELECTION, TO BE CONSISTENT WITH THE COLORADO STATUTES**  
**DATE:** DECEMBER 10, 2024

**Summary and Background:** The 2024 Town of Frisco Regular Municipal Election was cancelled in accordance with C.R.S. 31-10-507 and Town of Frisco Municipal Code 10-5, due to the same number of candidates certified to the ballot as offices to be filled. The three candidates on the ballot were deemed elected and sworn in on April 23, 2024. Throughout this process, it was discovered that this section of Municipal Code hasn't been amended in any way since 1994. There is a clear need to create consistency between Town Code and State Statute, to save public tax dollars and staff resources in the case that there are the same number of candidates to offices to be filled.

**Analysis:** For years, Town Council has directed the Town Clerk to conduct its Municipal elections by mail. When conducting elections by mail, mail ballot packets are sent to a professional printer for printing and assembling well in advance of the required ballot mailing date. Currently, Town Code stipulates a Write-In Candidate Affidavit deadline after mail ballots are sent to the printer, causing a situation like what happened this year, where mail ballots are printed, assembled, and mailed, only to have the election cancelled.

**Financial Impact:** Moving the Write-In Candidate Affidavit deadline to be consistent with Statute can only save the Town costly service and materials fees with ballot printing for future election cycles, by allowing the Town Clerk to cancel the election before ballots and mail ballot packets are printed. This cost the Town \$6,563.80 for 2,209 ballots in 2024. This does not include staff time or UOCAVA (Military & Overseas) ballot postage, assembly, and mailing.

**Alignment with Strategic Plan:** Conducting Municipal elections is a Quality Core Service of local government. Facilitating the free, fair, and legal democratic process behind which our governing body, Town Council, is elected to represent the community, is an important

responsibility of the Town Clerk's Office. Aligning Municipal Code with Statute in this case will save time and money in situations where there are the same number of candidates certified to the ballot, as the number of offices to be filled.

**Staff Recommendation:** It is the recommendation of the Town Clerk that Town Council direct me to amend Code through the first and second reading of the attached Ordinance, to amend Town of Frisco Municipal Code to provide that a write-in candidate must file the candidate's affidavit of intent prior to the 64<sup>th</sup> day before the day of the election, and to make the process for the Town Clerk's cancellation of an election completely consistent with Colorado statutes.

**Reviews and Approvals:**

Tom Fisher, Town Manager  
Thad Renaud, Town Attorney  
Stacey Nell, Town Clerk

**Attachments:**

Attachment 1 – Ordinance 24-11 Municipal Election Code Amendments  
Attachment 2 – [Colorado Revised Statutes § 31-10-507](#)  
Attachment 3 – [Colorado Revised Statutes § 31-10-306](#)