

**TOWN OF FRISCO
COUNTY OF SUMMIT
STATE OF COLORADO
ORDINANCE 24-11**

AN ORDINANCE AMENDING CHAPTERS 10 AND 20 OF THE CODE OF ORDINANCES OF THE TOWN OF FRISCO, COLORADO CONCERNING, RESPECTIVELY, THE TOWN'S COUNCILMEMBERS AND MAYOR, AND THE TOWN'S ELECTIONS, TO CHANGE THE DEADLINE FOR THE FILING OF AN AFFIDAVIT OF INTENT TO BE A WRITE-IN CANDIDATE FOR MUNICIPAL OFFICE, AND TO REVISE THE PROCESS FOR CANCELLING AN ELECTION, EACH IN ORDER TO BE CONSISTENT WITH COLORADO STATUTES.

WHEREAS, the Town of Frisco, Colorado ("Town") is a home rule municipality, duly organized and existing under Article XX of the Colorado Constitution; and

WHEREAS, in order to provide adequate time for the preparation and advance mailing of mail-in ballots, Colorado statutes provide, at Section 31-10-306, C.R.S., that the governing body of a municipality may provide by ordinance that no write-in vote for any municipal office shall be counted unless an affidavit of intent to be such a candidate has been filed with the municipal clerk prior to 64 days before the election; and

WHEREAS, Section 31-10-507, C.R.S., states that any ordinance adopted by the governing body of the municipality requiring an affidavit of intent for write-in candidates as provided in section 31-10-306, the governing body may also provide that, 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 candidates filing affidavits of intent, the clerk, if instructed by resolution of the governing body either before or after such date, shall cancel the election and by resolution declare the candidates elected. If so provided by ordinance, upon such declaration the candidates shall be deemed elected.

WHEREAS, The Town Clerk has identified that Frisco Municipal Code, at Sections 10-5, 20-1, 20-2 and 20-3, concerning write-in candidacy and the cancellation of elections, are inconsistent with state statute and out of date with current and necessary practices to conduct mail ballot elections.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FRISCO THAT:

Section 1. Section 10-5 of the Code of Ordinances of the Town of Frisco (the "Code"), concerning write-in candidates for municipal office, is hereby amended to read as follows:

§ 10-5. Write-in candidates.

- A. The Town of Frisco hereby declares that 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 ~~20~~ 64 days before the election indicating that such person desires the office and is qualified to assume the duties of that office if elected.
- B. If the only matter before the voters is the election of persons to office and if, at the close of business on the ~~nineteenth~~ 64th day before the election there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent, the Town Clerk is authorized, upon instruction by resolution of the Town Council either before or after such date, to cancel the election.
- C. In the event an election is cancelled for the reason set forth in subsection B, the Town Clerk ~~may~~ shall by resolution declare the candidates deemed elected.

Section 2. Section 20-1 of the Code of Ordinances of the Town of Frisco (the “Code”), concerning affidavits of intent for write-in candidates for municipal office, is hereby amended to read as follows:

§ 20-1. Affidavit of intent.

The Town of Frisco hereby declares that no write-in vote for any municipal office shall be counted unless and affidavit of intent has been filed with the Town Clerk by the person whose name is written in prior to ~~twenty~~ 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 3. Section 20-2 of the Code of Ordinances of the Town of Frisco (the “Code”), concerning the cancellation of an election, is hereby amended to read as follows:

§ 20-2. Cancellation of election.

If the only matter before the voters is the election of persons to office and if, at the close of business on the ~~19th~~ 64th day before the election, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent, the Town Clerk is authorized, upon resolution of the Town Council either before or after such date, to cancel the election.

Section 4. Section 20-3 of the Code of Ordinances of the Town of Frisco (the “Code”), concerning the Town Clerk’s declaration of election, is hereby amended to read as follows:

§ 20-3. Declaration of election.

In the event an election is cancelled for the reason set forth in Section 20-2, the Town Clerk ~~may~~ shall by resolution declare the candidates deemed elected.

Section 5. Effective Date. This ordinance shall become effective in accordance with the home-rule Charter of the Town of Frisco, Colorado.

INTRODUCED, PASSED ON FIRST READING AND PUBLICATION AND POSTING
ORDERED THIS 10TH DAY OF DECEMBER, 2024.

ADOPTED ON SECOND AND FINAL READING AND PUBLICATION BY TITLE
ORDERED THIS _____ DAY OF _____, 2024

TOWN OF FRISCO, COLORADO:

Fredrick J. Ihnken, Mayor

ATTEST:

Stacey Nell, Town Clerk