

**TOWN OF RICO, COLORADO  
ORDINANCE NO. 2002-8**

**REQUIRING AN AFFIDAVIT FOR WRITE-IN CANDIDATES**

**WHEREAS** the Town of Rico is a home rule community that can determine its election procedures as a matter of local concern: and.

**WHEREAS** C.R.S. §31-10-306 authorizes municipalities to adopt an ordinance requiring that no write-in votes shall be counted unless an affidavit of intent has been filed with the Town Clerk prior to twenty days before the day of the election: and.

**WHEREAS** the Board of Trustees finds that the affirmative consent by a potential write-in candidate shall promote efficient election of public officials and shall avoid the potential election of unwilling electors to elected positions:

**NOW THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF RICO ORDAINS:**

**Section 1. AFFIDAVIT OF INTENT REQUIRED.** The Town Clerk shall not count any vote for write-in candidates unless an Affidavit of Intent has been completed, signed and filed with the Town Clerk by such write-in candidate at least twenty (20) days prior to the election. Such Affidavit of Intent shall indicate that the candidate desires the office and is qualified to assume the duties of that office if elected.

**Section 2. CANCELLATION OF ELECTION.** The Town Clerk shall have the authority to cancel a candidate election if, at the close of business on the nineteenth 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 shall cancel the election and declare the candidates elected and such candidates shall be deemed elected. Notice of such cancellation shall be published, if possible, in order to inform the electors of the municipality, and the notice of such cancellation shall be posted at each polling place and in not less than one other public place.

**Section 3. DESIGNATION OF ELECTED OFFICIALS TERMS.** When an election has been cancelled pursuant to Section 2, and a question exists as to the vacancy a candidate is filling with regard to the term assigned to board positions by the staggered board terms, then the Town Board shall by motion assign the candidates to fill specific board positions in order to determine the term for each board member. All members of the Board of Trustees (including the Mayor) shall be eligible to vote on such motion and voting no conflict of interest shall be deemed to exist with regard to a vote on this matter.

**READ, MOVED AND APPROVED ON FIRST READING ON THE 20<sup>TH</sup> DAY OF NOVEMBER, 2002. MOVED, SECONDED AND FINALLY PASSED ON SECOND AND FINAL READING ON THE 24<sup>TH</sup> DAY OF FEBRUARY, 2002.**

TOWN OF RICO, COLORADO

BY:   
Thomas Clark, Mayor

ATTEST:   
Linda Yellowman, Town Clerk

APPROVED AS TO FORM:   
Eric James Heil, Town Attorney

Published by Title only before 2<sup>nd</sup> Reading in the Rico Sun-Times: \_\_\_\_\_

Published by Title only after adoption in the Rico Sun-Times: \_\_\_\_\_