

**STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK**

COUNCIL BILL NUMBER: CB3

ORDINANCE NUMBER: 2022-3

TITLE: AN ORDINANCE AMENDING SECTION 2-4 OF THE BLACK HAWK MUNICIPAL CODE TO COMPORT WITH THE COLORADO MUNICIPAL ELECTION CODE

WHEREAS, Section 2 of Article III of the Black Hawk Home Rule Charter (the "Charter") adopts the Colorado Municipal Election Code to govern City elections;

WHEREAS, Section 31-10-507, C.R.S., within the Colorado Municipal Election Code has been amended such that it no longer includes the same deadline as Section 2-4 of the Black Hawk Municipal Code (the "Code");

WHEREAS, the City Council desires to amend the Code so that it comports with the Colorado Municipal Election Code and, therefore, the Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, GILPIN COUNTY:

Section 1. Section 2-4 the Black Hawk Municipal Code is repealed and reenacted to read as follows:

Sec. 2-4. - Affidavit of intent for write-in candidates for municipal office.

(a) No write-in vote for any municipal office shall be counted unless an affidavit of intent has been filed with the City Clerk by the person whose name is written in compliance with the deadline established in the Colorado Municipal Election Code, as amended. The affidavit of intent shall indicate that such person desires the office and is qualified to assume the duties of that office if elected.

(b) In the event that the only matter before the voters in an election is the election of persons to office, and if there are not more candidates than offices to be filled at such election including candidates that have filed affidavits of intent pursuant to Subsection (a) above, in compliance with the deadline established in the Colorado Municipal Election Code, as amended, the City Council may by resolution direct the City Clerk to cancel the election and declare the candidates elected to office.

Section 2. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Black Hawk, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. Effective Date. The City Clerk is directed to post the Ordinance as required by the Charter. This Ordinance shall become effective upon posting by the City Clerk.

READ, PASSED, AND ORDERED POSTED this 9th day of February, 2022.


David D. Spellman, Mayor

ATTEST:


Melissa A. Greiner, CMC, City Clerk

