

ORDINANCE 94-15

TOWN OF OPHIR, COLORADO

AN ORDINANCE ESTABLISHING ELECTION PROCEDURES FOR THE TOWN OF OPHIR ELECTIONS

WHEREAS, the General Assembly of the Town of Ophir desires to hold elections for issues governed by Article X, Section 20, of the Colorado Constitution ("TABOR" amendment) on biennial local district elections (the third tuesday of January of odd numbered years);

WHEREAS, the General Assembly customarily holds its annual election of Town Staff positions on the third tuesday of January and further finds that holding TABOR amendment elections on such date will promote participation by the electorate of the Town of Ophir;

WHEREAS, Section 6, Article I., of the home rule charter of the Town of Ophir sets forth that the General Assembly of the Town of Ophir shall be the sole judge of elections; and,

WHEREAS, Town of Ophir elections are a matter of local concern; and,

WHEREAS, the adoption of election procedures for the Town of Ophir elections will facilitate and insure the orderly conduct of this election;

NOW, THEREFORE, BE IT ORDAINED BY THE GENERAL ASSEMBLY OF THE TOWN OF OPHIR THE FOLLOWING:

SECTION 1. GENERAL PROVISIONS AND DEFINITIONS

- A. Biennial Local District Election** Biennial Local District elections for TABOR amendment issues shall be the third Tuesday of January of odd-numbered years.
- B. Election** refers to elections by the Town of Ophir for TABOR amendment issues.
- C. Town** refers to the Town of Ophir.

SECTION 2. QUALIFICATION AND REGISTRATION OF ELECTORS

- A.** The qualification and registration of electors shall be determined by

Ophir Ordinance 93-2.

B. No person shall be allowed to vote at the Town of Ophir election without having registered within the time and in the manner required by Ophir Ordinance 93-2.

SECTION 3. JUDGES

A. Two election judges shall be appointed by the General Assembly not more than 60 days prior to an election.

B. Each person appointed shall sign a certificate of appointment and return the certificate to the Town Clerk prior to the election.

D. The judges of election shall be compensated in the amount of \$40.00 total for an election.

SECTION 4. NOTICE AND PREPARATION FOR ELECTIONS

A. Notice of the election shall comply with the requirements of the Colorado Constitution, Article X, Section 20.

B. A complete list of qualified voters shall be provided to the election judges prior to the election.

SECTION 5. CONDUCT OF ELECTIONS

A. The hours of election shall be 5:30 p.m. to 8:30 p.m.

B. Immediately before opening the poll, the judges shall open the ballot box in the presence of people there assembled and turn it upside down so as to empty it of everything that may be in it and then lock it securely. It shall not be reopened until the polls are closed.

C. Any qualified voter electing to vote shall sign the qualified voters list next to his name. After signing the qualified voter list, each voter shall receive a ballot from an election judge, prepare his or her ballot at the polling place and then cast the ballot into the ballot box in the presence of an election judge.

D. Mail in ballots shall be cast by the election judges during the election hours.

E. As soon as the poll at the election is closed, the judges shall immediately open the ballot box and proceed to count the votes polled. The judges shall first count the number of ballots in the box. If the number of certified ballots exceed the number of names on the poll book then the election shall be declared defective and the election shall be rescheduled for the next regular general assembly meeting.

F. As the judges of election open and read the ballots, the votes for or against the ballot issues shall be marked down upon tally sheets.

G. If it is impossible to determine the choice by the voter on a ballot issues, then the ballot shall not be counted for that issue and the judges shall mark tally sheet accordingly.

H. After the votes have been tallied, the judges shall complete a certificate of election to verify the results of the election and post a copy of the certificate at the Ophir Town Hall.

I. After all the votes have been counted and the election certificate completed, the judges shall deliver the ballot box and all election materials to the Town Clerk. The Town Clerk shall preserve all election materials for six months.

SECTION 6. PAPER BALLOTS

A. The Town shall provide one strongly constructed ballot box with a small opening at the top and a lid to be locked.

B. The Town shall make available a sample ballot for public inspection 10 days prior to the election and post one copy of the sample ballot at the Ophir Town Hall and Ophir Post Office.

SECTION 7. ABSENTEE VOTING

A. Any qualified voter who is unable to attend the election poll may cast his or her ballot by mail by completing the mail ballot and mailing, hand delivering, or otherwise causing to be delivered, it to the official election office prior to the election. Only mail ballots received on or before the election day shall be counted. Mail ballots may be obtained from the election officials 10 days prior to the election.

SECTION 8. CHALLENGES, CONTROVERSIES, AND OFFENSES

A. Challenges, controversies and offenses shall be determined according to C.R.S. sections 31-10-101 et seq., where not in conflict with the provisions of this resolution.

SECTION 9: CONFLICT WITH OTHER LAWS

A. This Ordinance supersedes any existing laws of the Town of Ophir or existing or future laws of the State of Colorado or of the United States of America, to the maximum extent permissible by home rule communities, that are in conflict with the express provisions of this Ordinance.

SECTION 10: SEVERABILITY

A. If any one or more sections or parts of this Ordinance shall be adjudged unenforceable or invalid, such judgement shall not affect, impair, or invalidate the remaining provisions of this Ordinance, it being the intention that the various provisions hereof are severable.


SECTION 11: EFFECTIVE DATE

A. This Ordinance shall be in full force and effect upon publication of final adoption.

FIRST READING INTRODUCED, HEARD, and APPROVED by the General Assembly of the Town of Ophir this 18th day of October, 1994.

SECOND READING APPROVED by the General Assembly of the Town of Ophir this 15th day of November, 1994.


By: Paul Machado, Town Manager 11-15-95


Attest: Lawrence Van Hoey, Town Clerk