

## ORDINANCE NO. 4796

### AN ORDINANCE AMENDING CHAPTER 2 OF THE GRAND JUNCTION MUNICIPAL CODE CONCERNING PROTEST OF BALLOT TITLES AND/OR SUBMISSION CLAUSES AND THE DEADLINE FOR WRITE-IN CANDIDATE AFFIDAVIT

#### RECITALS:

The City of Grand Junction is a home rule municipality, established by Charter in 1909. Article XX of the Colorado Constitution confers upon home rule cities the power over all matters pertaining to municipal elections.

The City of Grand Junction has adopted the "Colorado Municipal Election Code of 1965" by reference (hereinafter "Election Code").

Due to a recent petition effort, City staff reviewed the current City practices related to election procedures to identify opportunities for increasing citizen access and transparency and determined that the Grand Junction Municipal Code (GJMC) does not contain provisions related to ballot title protests.

The Election Code contemplates that protests concerning a ballot title shall be conducted as provided by local charter, ordinance or resolution (CRS 31-11-111(4)).

By way of Senate Bill 16-142, the Colorado Municipal Election Code was amended to change the required date of filing for a write-in candidate affidavit from twenty days prior to the day of election to sixty-four days (CRS 31-10-306).

As such, staff is recommending an amendment to the GJMC to identify a procedure for the submission of ballot title protests and change the deadline for filing candidate affidavits to sixty-four days.

#### **NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:**

That Chapter 2 of the Grand Junction Municipal Code is hereby amended by the addition of a new Section 2.20.030 which reads in its entirety as follows:

#### **SEC. 2.20.030. PROTEST PROCEDURE.**

ANY REGISTERED ELECTOR DESIRING TO PROTEST A PROPOSED BALLOT TITLE AND/OR SUBMISSION CLAUSE FOR ANY INITIATED OR REFERRED MEASURE SHALL FILE A NOTICE OF PROTEST WITH THE CITY CLERK NO LATER THAN NOON ON THE MONDAY IMMEDIATELY PRECEDING THE DATE UPON WHICH THE CITY COUNCIL WILL CONSIDER THE ORDINANCE ON FIRST READING, OR RESOLUTION, SETTING THE BALLOT TITLE AND SUBMISSION CLAUSE. SUCH NOTICE OF PROTEST SHALL BE ON A FORM AVAILABLE FROM THE CITY CLERK, SHALL BE SIGNED BY THE PROTESTOR(S), AND SHALL SET FORTH: (1) THE NAME, ADDRESS, AND PHONE NUMBER OF THE PROTESTOR(S); (2) THE TITLE

OF THE ORDINANCE OR RESOLUTION BEING PROTESTED; (3) WITH PARTICULARITY, THE GROUNDS OF THE PROTEST; AND (4) ANY OTHER INFORMATION REQUIRED BY THE CITY CLERK. SUCH PROTEST SHALL BE HEARD, CONSIDERED AND RESOLVED BY THE CITY COUNCIL PRIOR TO THE ADOPTION OF SAID ORDINANCE OR RESOLUTION. ANY LEGAL CHALLENGE OF THE FORM OR CONTENT OF A CITY BALLOT TITLE AND/OR SUBMISSION CLAUSE FOR ANY INITIATED OR REFERRED MEASURE SHALL BE BROUGHT IN THE MESA COUNTY DISTRICT COURT USING THE PROCEDURE SET FORTH IN, AND IN ACCORDANCE WITH, SECTION 1-11-203.5, COLORADO REVISED STATUTES, AS AMENDED, WHICH SHALL BE THE EXCLUSIVE MANNER FOR SUCH LEGAL CHALLENGES.

**2.20.020 Amendments to the Colorado Municipal Election Code of 1965.**

As made applicative to elections in the City of Grand Junction:

...

(c) No votes shall be counted for any write-in candidate at a regular or special election unless he/she has first filed with the City Clerk SIXTY-FOUR (64) days before the election an affidavit of intent indicating that such person desires the office and is qualified to assume the duties of the office if elected.

Introduced on first reading this 21<sup>st</sup> day of March 2018.

PASSED and ADOPTED this 4<sup>th</sup> day of April 2018.



J. Merrick Taggart  
Mayor and President of the City Council

ATTEST:



Wanda Winkelmann  
City Clerk



I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 4796 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 21<sup>st</sup> day of March, 2018 and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, in pamphlet form, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the 4<sup>th</sup> day of April, 2018, at which Ordinance No. 4796 was read, considered, adopted and ordered published in pamphlet form by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 4<sup>th</sup> day of April, 2018.

*W Winkelmann*

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City Clerk

Published: March 23, 2018  
Published: April 6, 2018  
Effective: May 6, 2018

