

ORDINANCE NO. 2018-022

AN ORDINANCE AMENDING SECTION 2.02.210 OF THE CASTLE ROCK MUNICIPAL CODE CONCERNING SIGNATURE REQUIREMENTS FOR THE NOMINATION OF MAYOR AND MEMBERS OF TOWN COUNCIL

WHEREAS, the Town Charter was amended in 2017 and 2018 to provide for a new Town Council office of Mayor who will be elected directly by the voters at the November 2018 regular election,

WHEREAS, it is necessary to amend the Castle Rock Municipal Code to specify the process for Mayoral candidates to qualify for the ballot through submission of a nominating petition, and to provide that nominating petitions for the Mayor and Councilmembers must be personally circulated by the nominee.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:

Section 1. Amendment. Section 2.01.210 of the Castle Rock Municipal Code is amended in its entirety to read as follows:

2.01.210 - Nominations.

A. Nominations for Councilmember shall be made by petition on forms provided by the Town Clerk signed by at least twenty-five registered electors residing within the nominee's district, and personally circulated by the nominee. Nominations for Mayor shall be made by petition on forms provided by the Town Clerk signed by at least ~~ten~~^{fifteen} registered electors residing within each of the six Councilmember districts, and personally circulated by the nominee. A petition of nomination shall contain the name and address of only one candidate. The petition may be amended prior to the fortieth day before the election to correct or replace those signatures the Town Clerk finds are not in apparent conformity.

B. Each registered elector signing a Councilmember or Mayor petition shall sign his or her own signature in the presence of the nominee and shall print or, if he or she is unable to do so, shall cause to be printed his or her legal name, the address at which he or she resides, including the street name and number, the town and the date of signing. The registered elector, or the person printing on behalf of the registered elector, may use any abbreviations that reasonably identify the residence of the registered elector and the date the registered elector signed the petition.

C. No registered elector shall sign more than one Councilmember nomination petition for a candidate for the district in which the elector resides. No registered elector may sign more than one nomination petition for Mayor. A registered elector may sign both a Councilmember petition and a Mayor petition. If a registered elector's signature appears on more than one Councilmember candidate nomination petition, all such signatures of the registered elector shall be rejected. If a registered elector's signature appears on more than one Mayor candidate nomination petition, all such signatures of the registered elector shall be rejected.

D. The time periods for circulation, submission and cure of nomination petitions for any Town mail ballot election shall be as follows, or as otherwise directed by Town Council resolution:

1. First day to pick up petition: Ninety-one days before election.
2. Last day to file petition with Town Clerk: Seventy-one days before election.
3. Last day to amend petition: Sixty-three days before election.

E. At the time the nomination petition is filed with the Town Clerk, the candidate shall file an Acceptance/Affidavit of Nominated Candidate certifying the candidate (i) personally circulated the petition, (ii) is familiar with the provisions of Article V of this Chapter, concerning fair campaign practices, and (iii) accepts the nomination.

F. Any person who has been nominated and who accepted a nomination may cause his or her name to be withdrawn from such nomination at any time prior to sixty-three days before the election by a written affidavit withdrawing from such nomination. The affidavit stating withdrawal shall be signed by the candidate and filed with the Town Clerk.

G. All petitions of nomination and affidavits that are in apparent conformity with the provisions of this Section, as determined by the Town Clerk, are valid unless objection thereto is duly made in writing within three days after the filing deadline for the same. In case objection is made, notice thereof shall be forthwith mailed to any candidate who may be affected thereby. The Town Clerk shall decide objections within at least forty-eight hours after the same are filed, and any objections sustained may be remedied or defect cured upon the original petition, by amendment thereto, or by filing a new petition within three days after the objection is sustained, but in no event later than the sixty-fourth day before the day of the election. The Town Clerk shall pass upon the validity of all objections, whether of form or substance, and the Town Clerk's decision upon matters of form shall be final. The Town Clerk's decisions upon matters of substance shall be open to review if prompt application is made as provided in Section 2.01.650, but the remedy in all cases shall be summary, and the decision of the district court shall be final and not subject to review by any other court; except that the supreme court, in the exercise of its discretion, may review any proceeding in a summary way.

Section 2. 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 the remaining provisions of this ordinance.

Section 3. Safety Clause. The Town Council finds and declares that this ordinance is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this 5th day of June, 2018 by a vote of -5- for and -1- against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this 19th day of June, 2018, by the Town Council of the Town of Castle Rock by a vote of ___ for and ___ against.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jennifer Green, Mayor

Approved as to form:

Robert J. Slentz, Town Attorney