

TOWN OF PIERCE, COLORADO

ORDINANCE NO. 2026-03

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF PIERCE,
COLORADO AMENDING ARTICLE 1 OF CHAPTER 2 OF THE PIERCE
MUNICIPAL CODE REGARDING WRITE-IN CANDIDATES AND UNCONTESTED
ELECTIONS TO CONFORM WITH STATE LAW**

WHEREAS, the Town of Pierce (the “**Town**”) is a statutory town organized and existing under the laws of the State of Colorado and governed by its Board of Trustees (the “**Board**”); and

WHEREAS, Article 1 of Chapter 2 of the Pierce Municipal Code currently establishes requirements for write-in candidates and cancellation of uncontested elections; and

WHEREAS, C.R.S. § 31-10-306 requires municipalities to require write-in candidates to file an affidavit of intent prior to sixty-four (64) days before an election; and

WHEREAS, C.R.S. § 31-10-507 requires municipalities that have adopted write-in candidate requirements to cancel elections when the number of candidates does not exceed the number of offices to be filled, with such determination made at the close of business on the sixty-fourth (64th) day before the election; and

WHEREAS, the current provisions in Article 1 of Chapter 2 establish deadlines that are inconsistent with the statutory framework set forth in C.R.S. §§ 31-10-306 and 31-10-507; and

WHEREAS, the Board of Trustees finds it necessary to amend Article 1 of Chapter 2 to conform with applicable state law and to promote orderly election administration;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PIERCE, COLORADO:

Section 1. Section 2-1-20 of the Pierce Municipal Code is amended and restated in its entirety to read as follows:

Sec. 2-1-20. - Write-in candidate affidavit.

(a) No write-in vote for any municipal office shall be counted unless an affidavit of intent has been filed with the Town Clerk by the person whose name is written in prior to sixty-four (64) days before the day of the election indicating that such person desires the office and is qualified to assume the duties of that office if elected.

(b) The affidavit of intent required by subsection (a) shall be on a form provided by the Town Clerk and shall include:

(1) The full name and address of the write-in candidate;

(2) The office sought;

- (3) A statement that the candidate desires to hold the office;
- (4) A statement that the candidate is qualified under applicable law to assume the duties of the office if elected;
- (5) The signature of the candidate, notarized or signed under penalty of perjury pursuant to C.R.S. § 13-25-127; and
- (6) The date of execution.

(c) The Town Clerk shall not accept any affidavit of intent filed on or after the sixty-fourth (64th) day before the election. For purposes of this section, the filing deadline shall be calculated by counting backward sixty-four (64) days from the date of the election, excluding the date of the election itself.

(d) The Town Clerk shall determine the filing deadline for each election and shall make such information available to prospective candidates.

Section 2. Section 2-1-30 of the Pierce Municipal Code is amended and restated in its entirety to read as follows:

Sec. 2-1-30. - Cancellation of uncontested elections.

(a) If the only matter before the voters is the election of persons to office and if, at the close of business on the sixty-fourth (64th) day before the election, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent as required by Section 2-1-20, the Town Clerk shall certify such fact to the Board of Trustees.

(b) Upon receipt of certification from the Town Clerk pursuant to subsection (a), the Board of Trustees may, by resolution adopted either before or after the sixty-fourth (64th) day before the election, cancel the election and declare the candidates elected.

(c) Upon adoption of a resolution declaring candidates elected pursuant to subsection (b), the candidates shall be deemed elected to their respective offices.

(d) Notice of cancellation shall be:

- (1) Published in a newspaper of general circulation in the Town, if possible, in order to inform the electors of the municipality;
- (2) Posted at each polling place that would have been used for the election; and
- (3) Posted in not less than one (1) other public place within the Town, which shall include the Town Hall.

(e) The Town Clerk shall maintain a record of all election cancellations and declarations of elected candidates made pursuant to this section.

Section 3. A new Section 2-1-40 is added to Article 1 of Chapter 2 of the Pierce Municipal Code to read as follows:

Sec. 2-1-40. - Administration.

The Town Clerk is authorized to adopt such administrative procedures as may be necessary to implement the provisions of this Article, including the creation of forms and the establishment of filing procedures consistent with this Article and applicable state law.

Section 4. Severability.

If any section, paragraph, clause, or provision of this Ordinance shall be adjudged invalid or unenforceable, such adjudication shall not affect the validity of the Ordinance as a whole or any section, paragraph, clause, or provision not adjudged invalid or unenforceable.

Section 5. Effective Date.

This Ordinance shall take effect thirty (30) days after final publication following adoption, as provided by law.

PASSED, ADOPTED, SIGNED AND APPROVED this 9th day of February, 2026.

ATTESTED:


Tina Duran, Town Clerk

TOWN OF PIERCE, COLORADO


Larry VanWhy, Mayor