

CITY OF WHEAT RIDGE, COLORADO
ELECTION COMMISSION
Findings and Order No. 01, Series 2011

The Wheat Ridge Election Commission, having been duly appointed as provided by the Wheat Ridge Home Rule Charter, makes the following Findings and Order:

Findings

- A. The City of Wheat Ridge, Colorado, is a home rule municipality organized under Article XX of the Colorado Constitution and, pursuant to that authority, the electors of the City have previously adopted a Home Rule Charter for the City.
- B. The Wheat Ridge home rule charter section 2.1 provides that City elections be governed by the Colorado municipal election laws except as otherwise provided by the charter or by ordinance hereinafter enacted.
- C. The Wheat Ridge home rule charter section 2.4 provides for the appointment of two members of the Election Commission, whose duties include, among other things, providing procedures in cases where the election procedure is in doubt. The Wheat Ridge City Council appointed Peter Marks and Lloyd Levy to the Election Commission at the Regular City Council Meeting of October 24, 2011. The Home Rule Charter further provides that the City Clerk, Michael Snow, is Chairperson of the Election Commission.
- D. The Wheat Ridge City Council has acted by Resolution No. 48, Series 2011, to call a runoff election for the office of City Clerk, following the November 1, 2011 regular municipal election in the event no candidate for the office of City Clerk receives a majority of votes cast at the November 1, 2011 general municipal election for such office. Resolution 48-2011 further directs the Election Commission to set the date for said election and establish procedures for the same.

Order

The Election Commission hereby sets the date and adopts the following procedures governing the runoff election, if needed, for the office of City Clerk following the November 1, 2011 general municipal:

Runoff Election

- (a) Applicability. These procedures shall apply in the event no candidate for the office of City Clerk receives a majority of the votes cast for that office at the November 1, 2011 general municipal election. These procedures supersede any provision of the Colorado election laws referenced in Code of Laws section 7-1, or any procedure, rule or regulation promulgated by the Colorado Secretary of State in conflict therewith.
- (b) Runoff election required. In the event no candidate for the office of city clerk receives a majority of the votes cast for that office at the November 1, general municipal election, a runoff election shall be held as a continuation of the November 1, 2011 general municipal election and not as a special election. If any City Clerk candidate withdraws his or her name from candidacy prior to the general election of November 1, 2011 by written notice delivered to the City Clerk, the votes for that candidate shall not be counted.
- (c) Election date: The runoff election shall be held on December 13, 2011, from 7:00am – 7:00pm.
- (d) Form of election: The runoff election shall be held as an all mail-ballot election.
- (e) Candidates/Withdrawal of Candidates: The two candidates receiving the first and second highest number of votes in the general municipal election shall be the only candidates in the runoff election. In the event either runoff candidate withdraws his or her name by written notice delivered to the City Clerk, *following the general election but prior to November 15, 2011 at 5:00pm*, the candidate receiving the next highest number of votes in the general municipal election shall be a candidate in the runoff election. In the event either runoff candidate withdraws his or her name by written notice delivered to the city clerk *after November 15, 2011 at 5:00pm and before the date of the runoff election*, or if at any point following the general municipal election all candidates but one should withdraw, the remaining candidate shall be declared the winner of the election and the runoff election shall not be held.
- (f) Procedure: Except as provided by the Home Rule Charter, the Wheat Ridge Code of Laws, or any procedure adopted by the Election Commission, the runoff election shall be conducted in accordance with the Municipal Election Code, CRS 31-10-101, et seq. To the extent an election procedure is in doubt, the Election Commission shall prescribe the procedure to be followed.
- (g) Voter Eligibility: All Wheat Ridge electors registered to vote no later than November 14, 2011, 5:00pm shall be considered eligible voters in this runoff election [1-2-201(3) C.R.S.].
- (h) Ballot Delivery: All eligible electors, as prescribed in paragraph (g) above, shall be mailed a ballot regardless of Active or Inactive Voter status. Mail ballots will be delivered via United States Postal Service (USPS) to eligible voters' mailing addresses.

The City Clerk shall distribute ballots to USPS office(s) for delivery no sooner than November 21, 2011 and no later than November 24, 2011.

- (i) Candidate Name Placement on Ballot: There shall be two ballot styles with equal number of each being printed. Ballot Style #1 shall be printed with the name of the runoff candidate who received the greater number of votes at the general municipal election of November 1, 2011 appearing first and the name of the other runoff candidate appearing second. Ballot Style #2 shall be printed with these candidate names reversed.
- (j) Equal Distribution of Ballots: All eligible voters with *odd numbered* voter ID's shall receive Ballot Style #1. All eligible voters with *even numbered* voter ID's shall receive Ballot Style #2.
- (k) Ballot Treatment and Canvassing Procedures: By November 22, 2011, the Election Commission shall adopt further procedures for the treatment and canvassing of voted ballots received by the Office of the City Clerk. Such procedures shall be based on professional and commonly accepted election standards necessary to assure security, accuracy and integrity to the voting process.

ADOPTED by the Election Commission on this 31st day of October 2011.

Peter Marks, Commissioner

Lloyd Levy, Commissioner

Michael Snow, City Clerk, Commission Chairman