

TOWN OF BASALT, COLORADO
ORDINANCE NO. 22
SERIES OF 2014

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, AMENDING ARTICLE II, SECTION 2.2, OF THE TOWN OF BASALT HOME RULE CHARTER, TO MAKE THE TOWN'S ELECTOR QUALIFICATION REQUIREMENTS CONSISTENT WITH COLORADO STATE LAW, AND SUBMITTING THIS ORDINANCE TO A REFERENDUM ELECTION.

RECITALS

1. The Basalt Home Rule Charter, Section 2.2, specifies qualifications to vote in municipal elections.
2. As a result of amendments to the Colorado Municipal Election Code of 1965, the Town's elector qualifications are inconsistent with Colorado law.
3. Adoption of the current state elector qualifications will make these requirements consistent with State law and make the requirements for voting in municipal elections consistent with the requirements for voting in statewide elections.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BASALT, COLORADO, that the following amendments to the Home Rule Charter for the Town of Basalt, Colorado are hereby approved and adopted:

SECTION 1

BALLOT QUESTION

SHALL THE TOWN OF BASALT, COLORADO, HOME RULE CHARTER Section, 2.2, BE AMENDED TO BE CONSISTENT WITH COLORADO REVISED STATUTES AND THEREFORE TO READ IN ITS ENTIRETY AS FOLLOWS:

2.2 QUALIFICATIONS OF MUNICIPAL ELECTORS

- (1) Every person who has attained the age of eighteen years possessing the following qualifications is entitled to register to vote at all municipal elections:

(a) He is a citizen of the United States.

(b) The person is a resident of the municipal precinct and has resided in this state for twenty-two days immediately preceding the election at which the person offers to vote. In order to vote in a municipal election a person must be a registered elector. An otherwise qualified and registered elector who moves from the municipal election precinct where registered to another precinct within the Town is permitted to cast a ballot for an election at the polling place in the precinct where registered.

(2) No person confined in any public prison is entitled to register or to vote at any regular or special election. Every person who was a qualified elector prior to such imprisonment and who is released by pardon or by having served his full term of imprisonment shall be vested with all the rights of citizenship except as otherwise provided in the state constitution.

(3) The judges of election, in determining the residence of a person offering to vote, shall be governed by the following rules, so far as they may be applicable:

(a) The residence of a person is the principal or primary home or place of abode of a person. Principal or primary home or place of abode is that home or place in which his habitation is fixed and to which a person, whenever he is absent, has the present intention of returning after a departure or absence therefrom, regardless of the duration of absence. In determining what is a principal or primary place of abode of a person, the following circumstances relating to such person may be taken into account: Business pursuits, employment, income sources, residence for income or other tax purposes, age, marital status, residence of parents, spouse, and children, if any, leaseholds, situs of personal and real property, and motor vehicle registration.

(b) A person shall not be considered to have lost his residence if he leaves his home and goes into another state or territory or another county or municipality of this state merely for temporary purposes with an intention of returning.

(c) A person shall not be considered to have gained a residence in this state or in the Town while retaining his home or domicile elsewhere.

(d) If a person moves to any other state or territory with the intention of making it his permanent residence, he shall be considered to have lost his residence in the Town.

(e) If a person moves from the Town to any other municipality in this state with the intention of making it his permanent residence, he shall be considered and held to have lost his residence in the Town.

(4)(a) For the purpose of voting and eligibility to office, no person is deemed to have gained a residence by reason of his presence or lost it by reason of his

absence while in the civil or military service of this state or of the United States, nor while a student at any institution of higher education, nor while kept at public expense in any public prison or state institution unless the person is an employee or a member of the household of an employee of such prison or institution.

(b) The provisions of paragraph (a) of this subsection (4) notwithstanding, no person otherwise qualified under the provisions of this article shall be denied the right to vote at any municipal election solely because he is a student at an institution of higher education if such student, at any time when registration is provided for by law, files with the county clerk and recorder a written affidavit under oath, in such form as may be prescribed, that he has established a domicile in this state, that he has abandoned his parental or former home as a domicile, and that he is not registered as an elector in any other municipality of this state or of any other state. The fact that such affidavit has been filed shall be noted in the registration book.

SECTION 2

Referendum. Pursuant to C.R.S. § 29-2-102(1), and Section 5.6 of the Home Rule Charter, this Ordinance is hereby submitted to an election by the registered electors of the Town of Basalt for their approval or rejection at the regular municipal election scheduled for November 4, 2014. The election shall be conducted as a coordinated election in Eagle and Pitkin Counties in accordance with articles 1 to 13 of title 1, C.R.S. (the "Uniform Election Code"), and an Intergovernmental Agreement (the "Intergovernmental Agreement") between the Town and Eagle and Pitkin County Clerk and Recorders. The form of the ballot question is attached hereto as Exhibit A.

SECTION 3

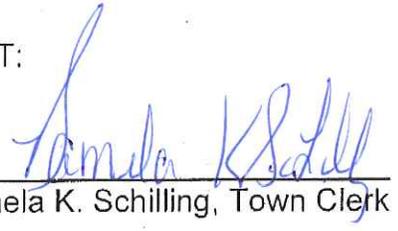
Severability. If any part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such determination shall not affect the validity of the remaining portions of this Ordinance and the Town Council hereby declares it would have passed this Ordinance and each part, section, subsection, sentence, clause, or phrase thereof regardless of the fact that any one or more parts, sections, subsections, sentences, clauses, or phrases be declared invalid.

READ ON FIRST READING, ORDERED PUBLISHED, AND SET FOR PUBLIC HEARING ON June 24, 2014, by a vote of 5 on 0, 2014.

READ ON SECOND READING AND PUBLIC HEARING, AND ADOPTED by a vote of 5, on 0, 2014.

TOWN OF BASALT, COLORADO

By 
Jacque Whitsitt, Mayor

ATTEST:
By 
Pamela K. Schilling, Town Clerk

First Publication: _____
Final Publication: _____
Effective Date: _____



EXHIBIT A

FORM OF BALLOT QUESTION

BALLOT QUESTION

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(3) The judges of election, in determining the residence of a person offering to vote, shall be governed by the following rules, so far as they may be applicable:

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(c) A person shall not be considered to have gained a residence in this state or in the Town while retaining his home or domicile elsewhere.

(d) If a person moves to any other state or territory with the intention of making it his permanent residence, he shall be considered to have lost his residence in the Town.

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(4)(a) For the purpose of voting and eligibility to office, no person is deemed to have gained a residence by reason of his presence or lost it by reason of his absence while in the civil or military service of this state or of the United States, nor while a student at any institution of higher education, nor while kept at public expense in any public prison or state institution unless the person is an employee or a member of the household of an employee of such prison or institution.

(b) The provisions of paragraph (a) of this subsection (4) notwithstanding, no person otherwise qualified under the provisions of this article shall be denied the right to vote at any municipal election solely because he is a student at an institution of higher education if such student, at any time when registration is provided for by law, files with the county clerk and recorder a written affidavit under oath, in such form as may be prescribed, that he has established a domicile in this state, that he has abandoned his parental or former home as a domicile, and that he is not registered as an elector in any other municipality of this state or of any other state. The fact that such affidavit has been filed shall be noted in the registration book.

CREDIT(S)

Repealed and reenacted by Laws 1975, H.B.1089, § 1, eff. July 1, 1975. Amended by Laws 1975, S.B.135, §52, eff. July 1, 1975; Laws 1979, S.B.251, § 5, eff. June 7, 1979; Laws 1981, S.B.251, § 2, eff. July 1, 1981; Laws 1992, H.B.92-1359, § 39, eff. June 2, 1992; Laws 1994, H.B.94-1294, § 38, eff. Jan. 1, 1995; Laws 2014, Ch. 2, § 14, eff. Feb. 18, 2014.

HISTORICAL AND STATUTORY NOTES

The 1992 amendment, in par. (1)(b), substituted "twenty-five days" for "thirty-two days" in three places.