

RESOLUTION 2010-2

A RESOLUTION TO CANCEL THE TOWN ELECTION THAT WAS TO BE HELD ON APRIL 6, 2010, AS PROVIDED FOR IN TOWN ORDINANCE NO. 339

WHEREAS, C.R.S. § 31-10-507 provides that if a municipality has adopted an ordinance addressing cancellation of elections, it may cancel an election where there are not more candidates than offices to be filled; and

WHEREAS, Town of Holly Ordinance No. 339, provides that the Board of Trustees (“Board”) may, by resolution, direct the Town Clerk to cancel a municipal election and declare the candidates elected if the only matter before the voters is the election of persons to office, and if at the close of business on the nineteenth day before said municipal election, there is not more than one (1) candidate per seat to be filled at such election, including candidates filing affidavits of intent; and

WHEREAS, C.R.S. § 31-10-507, upon such declaration, the candidates shall be deemed elected; and

WHEREAS, the nineteenth day before the regular municipal election to be held on April 6, 2010, is March 18, 2010; and

WHEREAS, the deadline for filing nomination petitions was March 5, 2010, and there were not more candidates nominated than offices to be filled at the April 6, 2010 election; and

WHEREAS, the deadline for filing affidavits of intent for write-in candidates is March 17, 2010; and

WHEREAS, there are currently no more than one (1) candidate for each seat to be filled based upon those filing nomination petitions, and if there remains not more than one (1) candidate per seat after the deadline for candidates filing affidavits of intent to be write-in candidates as of close of business on March 17, 2010, the Board desires to cancel the election and declare the candidates elected, as provided by C.R.S. § 31-10-507; and

WHEREAS, the only matter before the voters is the election of candidates to office.

THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF HOLLY, COLORADO:

Section 1. Effective at the close of business on March 17, 2010: If there are not more candidates than offices to be filled, including candidates filing affidavits of intent to be write-in candidates, the Town Clerk is hereby directed to cancel the April 6, 2010 regular municipal election for the TOWN OF HOLLY.

If the Town Clerk cancels the election as set forth in Section 1, the following person is hereby deemed elected to a four (4) year term as a member of the Board of Trustees:

One (4) year term for Trustee

Jerry Jones

Section 2. The election scheduled for the 6th day of April, 2010, shall be canceled, on March 18, 2010 at the close of business, nineteen days prior to the scheduled April 6, 2010, election, if no affidavit of intent has been filed by an eligible write-in candidate by the 20th day prior to the election.

Section 3. Notice of cancellation of the election shall be published, if possible, and notice of such cancellation shall be posted at each polling place and in not less than one (1) other public place.

Section 4. If, as of the close of business on March 17, 2010 there are more candidates than offices to be filled, this Resolution 2010-2 shall be null and void, and of no further effect.

PASSED AND APPROVED THIS 16th DAY OF MARCH, 2010.

/s/ W. Bruce Roup, Mayor

ATTEST:

/s/ Mary Rushton, Clerk/Treasurer