**ARTICLE I. - ELECTIONS**

Sec. 2-1-10. - Conduct of elections.

(a)  The Uniform Election Code of 1992, Articles 1 to 13 of Title 1, C.R.S., as amended, shall govern, in lieu of the "Colorado Municipal Election Code of 1965," the conduct of each City election which is held as a part of a coordinated election for which the County Clerk and Recorder is the coordinated election official.

(b)  Except as otherwise provided in subsection (a) hereof, Article 10 of Title 31, C.R.S., as amended, shall govern the conduct of City elections.

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

(a)  Pursuant to Section 31-10-306, C.R.S., in any election of Mayor or Councilmember conducted pursuant to the Municipal Election Code, no write-in vote shall be counted unless an affidavit of intent has been filed with the City Clerk, by the person whose name is written in, prior to twenty (20) 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)  Pursuant to Sections 1-4-1101 and 1-4-1102(2), C.R.S., in any election of Mayor or Councilmember conducted pursuant to the Uniform Election Code, no write-in vote shall be counted unless an affidavit of intent has been filed with the City Clerk, by the person whose name is written in, on or before the close of business on the sixty-fourth (64 th ) day before the election stating that such person desires the office and is qualified to assume the duties of that office if elected.

Sec. 2-1-30. - Cancellation of election.

(a)  If the only matters before the electors is the election of persons to office and if, at the close of business on the nineteenth day before the election, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent to be write-in candidates as set forth in Section 2-1-20 above, the City Clerk shall certify such fact to the City Council, which shall hold a meeting and may cancel the election and by resolution declare the candidates elected.

(b)  Notice of such cancellation shall be published, if possible, in order to inform the electors of the City, and notice of such cancellation shall be posted at each polling place and in not less than one (1) other public place.

Sec. 2-1-40. - Election wards and precincts.

The following are the wards for the election of City Council members and the election precincts for all municipal elections:

(1)  Ward and Precinct No. 1: All that part of the City of Salida which lies north of the Arkansas River westerly of "C" Street (extended northeasterly), north of U.S. Highway 50, and west of the following line: Commencing on the southerly side of the Arkansas River at the centerline of "F" Street and thence proceeding southwesterly to Sackett Avenue; thence northwesterly along the centerline of Sackett Avenue to "K" Street; thence southwesterly along the centerline of "K" Street to Third Street; thence southeasterly along the centerline of Third Street to Poncha Blvd; thence southwesterly along the centerline of said Poncha Blvd to Seventh Street; thence southeasterly along the centerline of Seventh Street to "J" Street; thence southwesterly along the centerline of "J" Street to Sixteenth Street; thence southeasterly along the centerline of Sixteenth Street to "I" Street; thence southwesterly along the centerline of "I" Street to U.S. Highway 50.

(2)  Ward and Precinct No. 2: All of that part of the City of Salida which lies south of the Arkansas River, north of U.S. Highway 50, southeasterly of Ward No. 1 and northwesterly of the following described line: Commencing at the point where the centerline of "D" Street (extended northeasterly) meets the centerline of the Arkansas River; thence southwesterly along "D" Street to U.S. Highway 50.

(3)  Ward and Precinct No. 3: All that part of the City of Salida which lies north of the Arkansas River easterly of "C" Street (extended northeasterly), easterly of the easterly boundary of Ward 2, south of U.S. Highway 50, southwesterly of U.S. Highway 50 and northeasterly of U.S. Highway 50.

(Ord. No. [2017-05](http://newords.municode.com/readordinance.aspx?ordinanceid=825819&datasource=ordbank) , § 3, 4-4-2017)

**Editor's note—** Ord. No. [2017-05](http://newords.municode.com/readordinance.aspx?ordinanceid=825819&datasource=ordbank) , § 3, adopted April 4, 2017, repealed the former § 2-1-40, and enacted a new § 2-1-40 as set out herein. The former § 2-1-40 pertained to similar subject matter and derived from Ord. No. [2015-14](http://newords.municode.com/readordinance.aspx?ordinanceid=733784&datasource=ordbank) , § 3, adopted Aug. 4, 2015.

Sec. 2-1-50. - Ballot proposals, protests, initiatives, and referenda.

All matters related to the adoption of City ordinances, including, but not limited to, ballot proposals, initiated measures, ballot title protests, and citizen-initiated referenda, shall be conducted pursuant to applicable Colorado statute.

Sec. 2-1-60. - Enforcement of third-party complaints.

(a)  Any person who believes a violation of Article XXVIII of the Colorado Constitution, or the Fair Campaign Practices Act (Section 1-45-101 et seq., C.R.S.), as amended by this Code, has occurred related to a City election may file a written complaint with the City Clerk.

(b)  Complaints must be filed no later than ninety (90) calendar days after the complainant knew or should have known by the exercise of reasonable diligence of the alleged violation.

(c)  A written complaint filed with the City Clerk shall include the City Clerk's complaint cover sheet which must include the following information:

(1)  The name, address, e-mail address, telephone number and signature of the complainant (if the complainant is represented by counsel, include the counsel's name, address, e-mail address, telephone number and signature along with the name, address, e-mail address, telephone number and signature of the complainant);

(2)  The name and, if known, the telephone number and address of the respondent(s) (or each person alleged to have committed a violation);

(3)  The particulars of the violation; and

(4)  Optionally, documentation or other evidence supporting the allegation.

(d)  If an incomplete complaint is received, the date on which the originally filed complaint was received is considered the filed date if a complete copy is received within three (3) business days of notification from the City Clerk that the complaint was incomplete.

(e)  A complaint may be submitted by fax or electronic mail if a signed original is received by the City Clerk no later than three (3) business days thereafter.

(f)  Initial Review.

(1)  The City Clerk will review the complaint to determine:

a.  Whether the complaint was timely filed; and

b.  Whether the complainant has specifically identified one (1) or more violations of Article XXVIII of the Colorado Constitution OR the Fair Campaign Practices Act (Section 1-45-101 et seq., C.R.S.), as amended, or any rules adopted and promulgated by the City Clerk concerning campaign and political finance.

(2)  Within ten (10) business days of receiving the complaint, the City Clerk must take one (1) or more of the following actions:

a.  If the City Clerk determines that the complaint was not timely filed, or has not specifically identified one (1) or more violations of Article XXVIII of the Colorado Constitution OR the Fair Campaign Practices Act (Section 1-45-101 et seq., C.R.S.), as amended, the City Clerk will dismiss the complaint and notify the complainant and respondent of the reasons for dismissal. The City Clerk's dismissal is a final decision, and subject to review under Rule 106, C.R.C.P.

b.  If the City Clerk determines that the complaint alleges one (1) or more curable violations as described in Subsection (g), the City Clerk will notify the respondent(s) and provide an opportunity to cure as described in Subsection (g).

c.  If the City Clerk determines that the complaint alleges one (1) or more violations, and that the asserted violations may not be curable as described in Subsection (g), the City Clerk will take the actions set forth in Subsection (h).

(g)  Curing Violations.

(1)  Upon the City Clerk's determination that a complaint alleges a failure to file or otherwise disclose required information, or other curable violation of an obligation under Article XXVIII of the Colorado Constitution or the Fair Campaign Practices Act (Section 1-45-101 et seq., C.R.S.), the City Clerk will notify the respondent(s) by email, or by United States mail if email is unavailable, of the curable deficiencies alleged in the complaint.

(2)  Respondents shall have ten (10) business days from the date the notice is mailed to file an amendment to the relevant report or reports that cures any deficiencies specified in the notice.

(3)  After the period for cure, the City Clerk will determine, within five (5) business days, whether the respondent(s) cured the violation(s).

a.  If the Clerk determines that respondent cured the violations, the Clerk shall dismiss the complaint and notify complainant and respondent of such dismissal.

b.  If the Clerk determines that respondent failed to cure the violation, the clerk shall notify respondent of such determination, together with the fine or other penalty imposed.

c.  The respondent shall have ten (10) business days from the date of the Clerk's notice of determination to either pay the fine and accept any penalty imposed or contest the violation by submitting to the Clerk a request for a hearing.

(h)  Upon receipt of a request for a hearing under Subsection (g)(3)c., or upon the Clerk's determination that the complaint falls under Subsection (f)(2)c., the City Clerk shall notify the City Administrator of the complaint, and the City Administrator, in consultation with the City Clerk and the City Attorney, shall refer the complaint to an independent hearing officer to hear and determine such complaint.

(i)  An informal hearing shall be scheduled as soon as practicable with due regard for the convenience and necessity of the parties but, unless an enlargement of time is granted as set forth in Subsection (k), the hearing shall be held within fifteen (15) calendar days of referral of the complaint to the hearing officer.

(j)  Notice of the hearing and any applicable rules governing the hearing process shall be sent to the complainant and to the respondent(s), who shall also receive a copy of the entire complaint received by the City Clerk, within two (2) business days of the date of referral of the complete complaint to the hearing officer and may be delivered by electronic mail, or by United States mail if email is unavailable to the address of the complainant shown on the complaint form and to the respondent(s).

(k)  Upon written motion, the hearing officer may grant the subject of the complaint a continuance of the hearing of up to thirty (30) calendar days upon a showing of good cause.

(1)  Upon the request of either party, the hearing officer may issue an administrative subpoena requiring the attendance of a witness or party in relation to an alleged campaign finance violation, which shall be served on the party to whom it is directed by the requesting party pursuant to Rule 4 of the Colorado Rules of Civil Procedure. It shall be unlawful for a witness or party to fail to comply with such subpoena, and any person convicted of a violation hereof shall be punished in accordance with Chapter 1, Article IV of this Code, provided, however, that the municipal judge shall not have authority to impose any form of imprisonment for the same.

(m)  The hearing shall be electronically audibly recorded and held in substantial accordance with the provisions of Section 24-4-105, C.R.S., or such other rules as the City Clerk may have promulgated. The hearing may be held virtually, in the discretion of the hearing officer. At the hearing, the complainant and the respondent(s) shall be present and, in accordance with Section 24-4-105(7), C.R.S., the complainant shall have the burden of proof in similar manner as the proponent of an order.

(n)  Following hearing, the hearing officer shall issue a decision within seven (7) business days. The decision may be issued orally at the conclusion of the hearing or may be issued in writing, at the discretion of the hearing officer.

(o)  If the hearing officer determines after a hearing that a violation has occurred, the hearing officer's decision shall include any appropriate order, sanction or relief authorized hereunder and may include, without limitation, sanctions as follows:

(1)  Impose a civil penalty of at least double and up to five (5) times the amount contributed, received or spent in violation of any contribution prohibition or limitation or in violation of a contribution reporting requirement.

(2)  Impose a civil penalty of twenty-five dollars ($25.00) per day for each day that a statement or other information required to be filed pursuant to Article XXVIII of the Colorado Constitution or the Fair Campaign Practices Act (Section 1-45-101, et seq., C.R.S.), as amended by this Code, is not filed by the close of business on the day due.

(3)  Order disclosure of the source and amount of any undisclosed contributions or expenditures.

(4)  Order the return to the donor of any contribution made which was the subject of the violation.

(p)  The hearing officer's determination under Subsections (n) and (o) is a final decision subject to review under Rule 106, C.R.C.P.

(q)  Candidates shall be personally liable for penalties imposed upon the candidate's committee.

(r)  Civil penalties may be collected in the similar manner as a municipal court judgment under this Code, including the use of a private collection agency.

(s)  In no event shall the City take any action, including referring the penalty debt to a collection agency as contemplated by Subsection (r), but not including action of the collection agency, to collect civil penalties assessed hereunder after the date that is more than one (1) year from the date that the filing was due.

(t)  A party in any action brought pursuant to this Section shall be entitled to recovery of the party's reasonable attorney fees and costs from any attorney or party who has brought or defended the action, either in whole or in part, if the hearing officer finds any of the following:

(1)  The action, or any part thereof, lacked substantial justification;

(2)  The action, or any part thereof, was interposed for delay or harassment; or

(3)  That an attorney or party unnecessarily expanded the proceeding by other improper conduct, including but not limited to abuses of discovery procedures authorized by this Section.

Notwithstanding any other provision of this Subsection, no attorney fees shall be awarded unless the hearing officer has first considered the provisions of Sections 13-17-102(5) and (6), C.R.S. As used herein, *lacked substantial justification* means substantially frivolous, substantially groundless or substantially vexatious. (Ord. No. [2020-12](http://newords.municode.com/readordinance.aspx?ordinanceid=1064448&datasource=ordbank) , § 2, 12-15-2020)