



CITY CLERK'S OFFICE MEMORANDUM
#4-2021

DATE: May 10, 2021

TO: Honorable Mayor Meredith Leighty and City Council Members

THROUGH: Heather Geyer, City Manager 

FROM: Johanna Small, City Clerk 

SUBJECT: Ward 4 Council Election Process

PURPOSE

To provide City Council additional information about the options for electing the Ward 4 City Council members at the Nov. 2, 2021 regular municipal election.

BACKGROUND

Council Member Esquibel announced his resignation, effective June 11, 2021 or at such time as he ceases to be a resident of the City, at the April 12 City Council meeting. The process to fill a vacancy on City Council is provided in Section 3.8 of the City Charter and Section 2-2-7 of the Municipal Code. The code requires Council to appoint a person qualified for the office of Council member from the ward in which the vacancy exists.

The person appointed to fill the vacancy will serve the unexpired term of the Ward 4 Council position until the next general municipal election. At the Nov. 2, 2021 regular municipal election, voters in Ward 4 will elect two Council member positions, one having a four-year term and the other a two-year term in order to maintain staggered terms.

City Attorney Corey Hoffmann provided a legal memorandum to Council at the April 26, 2021 Council meeting regarding filling the Ward 4 Council vacancy and potential options for electing two Ward 4 Council positions in November. Council discussed the two options presented on April 26, and agreed to discuss the issue further at the May 10 Council meeting. Option 1 follows statutory guidance and the City is authorized to use the process. Option 2 would create a new local process and would require the adoption of a special ordinance. Hoffmann has provided a draft ordinance authorizing the City to use Option 2, included as Attachment 1, for additional Council discussion.

Option 1 – Follow statutory guidance (Current process authorized)

- Two Ward 4 Council positions would be elected separately with two candidate questions on the Ward 4 ballot.
- Nomination petitions would specify the office (i.e. four-year term or two-year term).
- Individuals would indicate the position and term they are running for when obtaining a nomination petition form from the City Clerk's Office.
- Election information such as candidate lists and candidate profiles would list the candidates separately based on the position and term they seek.
- The person receiving the highest number of votes for the four-year term would be elected.
- The person receiving the highest number of votes for the two-year term would be elected.

Option 1 was used by the City in November 2001 to elect two Ward 1 Council member positions as a result of a vacancy.

Option 1 ballot example:

CITY OF NORTHGLENN	
COUNCIL MEMBER WARD 4 FOUR-YEAR TERM (Vote for One)	
<input type="radio"/>	Candidate Name 1
<input type="radio"/>	Candidate Name 2
<input type="radio"/>	Candidate Name 3

CITY OF NORTHGLENN	
COUNCIL MEMBER WARD 4 TWO-YEAR TERM (Vote for One)	
<input type="radio"/>	Candidate Name 1
<input type="radio"/>	Candidate Name 2
<input type="radio"/>	Candidate Name 3
<input type="radio"/>	Candidate Name 4

Option 2 – Create a local process (would require adoption of a special ordinance to authorize)

- Two Ward 4 Council positions would be elected with one candidate question on the Ward 4 ballot.
- Nomination petition forms would be the same for all candidates.
- Election information such as candidate lists and candidate profiles would list all Ward 4 candidates together since the positions would not be elected separately.
- The person receiving the highest number of votes would be elected to the four-year term.
- The person receiving the second-highest number of votes would be elected to the two-year term.

Option 2 ballot example:

CITY OF NORTHGLENN	
COUNCIL MEMBER WARD 4 FOUR-YEAR TERM FOR RECIPIENT OF THE HIGHEST NUMBER OF VOTES TWO-YEAR TERM FOR RECIPIENT OF THE SECOND HIGHEST NUMBER OF VOTES (Vote for Two)	
<input type="radio"/>	Candidate Name 1
<input type="radio"/>	Candidate Name 2
<input type="radio"/>	Candidate Name 3
<input type="radio"/>	Candidate Name 4
<input type="radio"/>	Candidate Name 5
<input type="radio"/>	Candidate Name 6
<input type="radio"/>	Candidate Name 7

Election law requires ballots to be printed to give each voter a clear opportunity to designate their choice of candidates by a mark as instructed. On the ballot may be printed words that will aid the voter, such as “vote for not more than one.” While State law does not require the term of office to

be printed on the ballot, previous Intergovernmental Agreements with Adams County for the conduct of coordinated elections have required that all contests include the “term of office” and “vote for #” information in the ballot text. Staff anticipates the same requirements, which have been standard since 2009, will be included in the Intergovernmental Agreement for the Nov. 2, 2021 coordinated election.

BUDGET/TIME IMPLICATIONS

Staff does not anticipate any significant budget impacts for either option to elect the Ward 4 Council members. Funding for the Nov. 2, 2021 coordinated election is included in the 2021 Budget.

Important dates for the Nov. 2, 2021 Election:

Currently	Individuals may declare their candidacy for the Nov. 2, 2021 election
Aug. 3	First day individuals can circulate nomination petitions
Aug. 23	Deadline to submit nomination petitions to the City Clerk’s Office
Sep. 3	Deadline for City Clerk to certify ballot content to counties
Oct. 11	First day ballots can be mailed to voters, except UOCAVA voters

If Council decides to use Option 1, election information will be updated and nomination petition forms created for the separate four-year and two-year terms for Ward 4 candidates.

If Council decides to pursue using Option 2, a special ordinance would need to be adopted to authorize the process. An ordinance could be introduced at the May 24, 2021 City Council meeting. A public hearing on the proposed ordinance and second reading could be scheduled for the June 14, 2021 Council meeting. Election information and nomination petition forms would be updated to reflect a new process upon adoption of a special ordinance.

STAFF RECOMMENDATION

The draft ordinance authorizing Option 2 is for discussion purposes. Staff recommends Council provide feedback on a desired option to elect the Ward 4 positions at the Nov. 2, 2021 election. If Council desires to proceed with the adoption of a special ordinance to authorize Option 2, staff recommends the ordinance be scheduled for Council consideration on first reading at the May 24, 2021 Council meeting with the public hearing and second reading scheduled for June 14. Staff recommends this timeframe to provide as much time as possible to communicate the new process to candidates, potential candidates, and voters if the ordinance authorizing the new process is adopted on second reading.

STAFF REFERENCE

If Council members have any comments or questions, please contact Johanna Small, City Clerk, at jsmall@northglenn.org or 303.450.8757.

ATTACHMENT

1. Draft ordinance

DRAFT

SPONSORED BY: _____

COUNCILMAN'S BILL

ORDINANCE NO.

No. _____
Series of 2021

_____ Series of 2021

A BILL FOR A SPECIAL ORDINANCE REGARDING THE ELECTION PROCESS FOR FILLING THE FOUR-YEAR TERM AND THE TWO-YEAR TERM AT THE NOVEMBER 2, 2021 WARD 4 COUNCIL ELECTION

WHEREAS, pursuant to Section 3.8 of the City of Northglenn Home Rule Charter (the "Charter"), the City Council is required to fill the Ward 4 vacancy created by the resignation of Council Member Antonio Esquibel by appointment, but such appointment is only until the next regular municipal election, scheduled for November 2, 2021;

WHEREAS, at the November 2, 2021 regular municipal election, there will therefore be two (2) Ward 4 seats to be filled at the election;

WHEREAS, in order to maintain the staggered terms for Ward 4 required by Section 3.4 of the Charter, one seat must be a two-year term, and one seat must be a four-year term; and

WHEREAS, the City Council therefore desires to set forth the process for the election of candidates to fill the two open seats at the November 2, 2021 election by specifying as set forth below that the candidate receiving the highest number of votes shall be elected to the four-year term, and the candidate receiving the second highest number of votes shall be elected to the two-year term.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The candidates for the two (2) open Ward 4 seats in the November 2, 2021 regular municipal election shall be selected through a single ballot in which the candidate receiving the highest number of votes shall be elected to a four-year term, and the candidate receiving the second-highest number of votes shall be elected to a two-year term.

Section 2. The City Clerk as the Designated Election Official is hereby authorized to implement this special ordinance through the creation of the necessary election forms, including, but not limited to, nomination petitions and appropriate ballot language for the November 2, 2021 regular municipal election.

INTRODUCED, READ AND ORDERED POSTED this ____ day of _____,
2021.

MEREDITH LEIGHTY
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____,
2021.

MEREDITH LEIGHTY
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney