

**BY-LAWS OF THE  
PITKIN COUNTY ELECTION COMMISSION**

*Adopted April 14, 2004 – Resolution No. 043-2004  
Amended July 27, 2011 - Resolution No. 069-2011  
Amended April 11, 2012 – Resolution No. 039-2012*

**ARTICLE I: NAME**

**Section 1.** **Name.** The name of this Pitkin County citizen board shall be the Election Commission (“Commission”).

**ARTICLE II  
PURPOSE AND POLICIES**

**Section 1.** **Purpose.** The purpose of the Commission is to perform those duties set out in Article III of the Pitkin county Home rule Charter. Specifically, any person aggrieved by the decision in which the County Clerk and Recorder administers voter registration or conducts an election, shall have the right to appeal such action to the Election Commission.

**Section 2.** **Policies.** The Commission may from time to time adopt policies to guide the activities of the Commission. Such policies will be adopted by Commission resolution and shall remain in effect unless repealed by a subsequent resolution.

**ARTICLE III  
RESPONSIBILITIES**

**Section 1.** **Functions.** The Commission’ functions and responsibilities are as follows:

1. Receive in writing any appeal within three (3) business days after the decision of the act complained of.
2. Hear all evidence and make a timely determination on the appeal.

**ARTICLE IV  
Membership**

**Section 1.** **Appointments.** Appointments to the Commission shall be made by the Board of County Commissioners (“BOCC”). There shall be five (5) members. The Board of County Commissioners may appoint up to five (5) alternate members, who shall be permitted to vote only in the absence of a regular member. The Clerk and Recorder shall be an ex officio non-voting, sixth member and shall attend meetings of the Commission.

- Section 2.** **Term.** Each Member shall be appointed for a two (2) year term, and shall be staggered so that not all terms expire at the same time. There shall be no fixed limit on the number of terms.
- Section 3.** **Qualifications.** Members shall be registered electors in Pitkin County. To the extent possible, all members shall not be of the same political affiliation.
- Section 4.** **Compensation.** Each Member shall serve without pay.
- Section 5.** **Removal.** A Member may be removed from the Commission for good cause only, by vote of the BOCC, after recommendation (for or against) is made by the Commission.

## **ARTICLE V Officers**

- Section 1.** **Officers.** The officers of the Commission shall be a Chair and Vice-Chair, and may include such other officers as the Commission may from time to time appoint. The Chair and Vice-Chair shall be selected from the members of the commission.
- Section 2.** **Elections and Term of Office.** The Chair and Vice-Chair shall be appointed by the Commission when they have a meeting if none currently exist. Subject to earlier termination, each officer shall hold office until the end of his/her term. A member appointed to the office of Chair or Vice-Chair shall have the option of declining the office. Any other officers shall be appointed by the Commission at any meeting and will serve at the pleasure of the Commission.
- Section 3.** **Vacancies.** Should the office of the Chair or Vice-Chair become vacant, the Commission shall appoint the successor at the next meeting of the Commission, and such appointment shall be effective until the end of the successor's term.
- Section 4.** **Duties.**
- (1) **Chair.** The Chair shall preside at all meetings of the Commission and shall perform all duties usually incident to the office of Chair and such other duties as may be assigned to him/her from time to time by the Commission. He/she shall sign, in the name of the Commission, meeting minutes, resolutions and any other document authorized by the Commission. The Chair shall see to the execution of resolutions and procedures approved by the Commission.
  - (2) **Vice Chair.** In the absence or disability of the Chair, the Vice Chair shall have all powers of and shall be subject to all restrictions upon the Chair. The Vice Chair shall perform such other duties as shall from time to time be assigned by the Commission.

## **ARTICLE VI Meetings**

- Section 1. Regular Meetings.** There shall be one regular meeting held per calendar year on or before the first Thursday in February, for the purpose of staying current with other members of the Commission as well as discussion of election issues which may come before the body.
- Section 2. Special Meetings.** Upon receipt of an appeal, a special meeting shall be called within a reasonable time by the Chairperson, by the Clerk and Recorder, or by written request of two members of the Commission. A minimum notice of seventy-two hours is required, unless the timeframe for said notice is waived. The waiver may be accomplished first orally, e.g. telephone, but in all events, the waiver shall be in a written agreement of a quorum of Commission members that must be in attendance.
- Section 3. Order of Business.** At meetings of the Commission, the following shall be the recommended order of business:
1. Roll call
  2. Reading and approval of minutes of last meeting
  3. Executive Session
  4. Old business
  5. New business including any hearings on appeals
  6. Adjourn
- Section 4. Voting.** Voting shall be either by voice or roll call vote. A roll call vote shall be conducted upon the request of a member of the Commission or at the discretion of the presiding office. Any action requiring a vote shall be decided by a simple majority.
- Section 5. Quorum.** The presence of four members of the Commission shall be necessary to constitute a quorum for the transaction of business, thereby making the majority requirement for a decision three persons. Once a quorum is made, it cannot be broken until the meeting is adjourned. For purposes of a quorum, a Commission Member may be present by electronic means.
- Section 6. Parliamentary Procedure.** The rules contained in Robert's Rules of Order shall govern the Commission in all cases to which they are applicable and in which they are not inconsistent with these Bylaws and Charter.
- Section 7. Meeting Notices, Supporting Materials, and Agenda.** As outlined in Section 2, Article VI, the Chair or Clerk and Recorder shall furnish the Members advance notice of all meetings. The agenda shall be prepared by the Chair and the Clerk and Recorder. The agenda and any supporting materials shall be delivered at least one business day in advance of the meeting to each commission member.

**Section 8. Open to the Public.** All meetings shall be posted 24 hours prior and shall be open to the public except for executive session as authorized in the Colorado Open meetings law, C.R. S. 24-6-402.

**ARTICLE VII  
Conflict of Interest**

**Section 1. Policy.**

- A. In order to ensure the impartiality and integrity of their local government decision makers, as provided in section 8.6.1 of the County Charter, the people of Pitkin County intend to prohibit County policy-makers from participating in matters in which they have a conflict of interest. This prohibition applies to County policy-makers serving their elected or appointed terms and those who have concluded their terms of office.
- B. A conflict of interest is a disparity between the private interest and the official responsibilities of an individual in a position of trust in government. This code is intended to prevent conflicts of interest without obstructing fair and speedy resolution of issues that come before the County.

**Section 2. Prohibition of Conduct.**

- A. Members shall abide by the County Standard of Conduct.
- B. If an issue arises in which a Member believes he/she may have a conflict of interest, he/she must divulge that potential conflict of interest to the County Attorney for an opinion on the validity of the conflict, and inform the Commission. If determined to be in conflict regarding the issue before him/her, he/she will refrain from participation in discussion or vote on that issue.
- C. Failure to comply with the terms of this section may be deemed adequate cause for removal under Article IV Section 5.