

Second Regular Session

Sixty-second General Assembly

LLS NO. R00-0287.01 Wade Harrell

STATE OF COLORADO

BY SENATORS Chlouber, and Powers; also REPRESENTATIVE McPherson.

REENGROSSED

SENATE CONCURRENT RESOLUTION 00-006

101 CONCERNING THE SUBMISSION TO THE REGISTERED ELECTORS OF THE
102 STATE OF COLORADO OF AN AMENDMENT TO ARTICLES IV, XII,
103 XIII, AND XXI OF THE CONSTITUTION OF THE STATE OF COLORADO,
104 ELIMINATING THE OFFICE OF LIEUTENANT GOVERNOR, AND, IN
105 CONNECTION THEREWITH, DELETING ALL REFERENCES TO SAID
106 OFFICE IN THE CONSTITUTION AND MODIFYING THE ORDER OF
107 SUCCESSION TO FILL A VACANCY IN THE OFFICE OF GOVERNOR.

Resolution Summary

(Note: This summary applies to this resolution as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Abolishes the office of lieutenant governor, effective January 14, 2003. Deletes references to the lieutenant governor in the constitution. Modifies the order of succession to fill a vacancy in the office of governor.

1 Be It Resolved by the Senate of the Sixty-second General Assembly
2 of the State of Colorado, the House of Representatives concurring herein:
3 SECTION 1. At the next election at which such question may be
4 submitted, there shall be submitted to the registered electors of the state
5 of Colorado, for their approval or rejection, the following amendment to

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment. Capital letters indicate new material to be added to existing statute. Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
April 12, 2000

SENATE
2nd Reading Unamended
April 11, 2000

1 the constitution of the state of Colorado, to wit:

2 Section 1 of article IV of the constitution of the state of Colorado  
3 is amended BY THE ADDITION OF A NEW SUBSECTION to read:

4 **Section 1. Officers - terms of office.** (3) THE OFFICE OF  
5 LIEUTENANT GOVERNOR IS ABOLISHED COMMENCING WITH THE TERM OF  
6 OFFICE THAT WOULD OTHERWISE BEGIN ON JANUARY 14, 2003.

7 Section 3 of article IV of the constitution of the state of Colorado  
8 is amended to read:

9 **Section 3. State officers - election - returns.** The officers named  
10 in section one of this article shall be chosen on the day of the general  
11 election, by the registered electors of the state. ~~The governor and the~~  
12 ~~lieutenant governor shall be chosen jointly by the casting by each voter~~  
13 ~~of a single vote applicable to both offices.~~ The returns of every election  
14 for said officers shall be sealed up and transmitted to the secretary of  
15 state, directed to the speaker of the house of representatives, who shall  
16 immediately, upon the organization of the house, and before proceeding  
17 to other business, open and publish the same in the presence of a majority  
18 of the members of both houses of the general assembly, who shall for that  
19 purpose assemble in the house of representatives. ~~The joint candidates~~  
20 ~~having the highest number of votes cast for governor and lieutenant~~  
21 ~~governor, and~~ The person having the highest number of votes for any  
22 ~~other~~ office, shall be declared duly elected, but if two or more have an  
23 equal and the highest number of votes for the same office ~~or offices,~~ one  
24 of them ~~or any two for whom joint votes were cast for governor and~~  
25 ~~lieutenant governor respectively,~~ shall be chosen thereto by the two  
26 houses, on joint ballot. Contested elections for the said offices shall be

1 determined by the two houses, on joint ballot, in such manner as may be  
2 prescribed by law.

3 Section 4 of article IV of the constitution of the state of Colorado  
4 is amended to read:

5 **Section 4. Qualifications of state officers.** No person shall be  
6 eligible to the office of governor ~~or lieutenant governor~~ unless he shall  
7 have attained the age of thirty years, nor to the office of secretary of state  
8 or state treasurer unless he shall have attained the age of twenty-five  
9 years, nor to the office of attorney general unless he shall have attained  
10 the age of twenty-five years and be a licensed attorney of the supreme  
11 court of the state in good standing, and no person shall be eligible to any  
12 one of said offices unless, in addition to the qualifications above  
13 prescribed therefor, he shall be a citizen of the United States, and have  
14 resided within the limits of the state two years next preceding his  
15 election.

16 Section 13 of article IV of the constitution of the state of Colorado  
17 is amended to read:

18 **Section 13. Succession to the office of governor.** (1) In the case  
19 of the death, impeachment, conviction of a felony, or resignation of the  
20 governor, the office of governor shall be vacant. ~~and the lieutenant~~  
21 ~~governor shall take the oath of office and shall become governor.~~

22 (2) ~~Whenever there is a vacancy in the office of the lieutenant~~  
23 ~~governor, because of death, impeachment, conviction of a felony, or~~  
24 ~~resignation, the governor shall nominate a lieutenant governor who shall~~  
25 ~~take office upon confirmation by a majority vote of both houses of the~~  
26 ~~general assembly. If the person nominated is a member of the general~~

1 assembly, he may take the oath of office of lieutenant governor, and the  
2 legislative seat to which he was elected shall be vacant and filled in the  
3 manner prescribed by law pursuant to section 2 of article V of this  
4 constitution.

5 (3) In the event that the governor-elect fails to assume the office  
6 of governor because of death, resignation, or conviction of a felony, or  
7 refuses to take the oath of office, the lieutenant governor-elect shall take  
8 the oath of office and shall become governor on the second Tuesday in  
9 January in accordance with the provisions of section 1 of article IV of this  
10 constitution. In the event the lieutenant governor-elect fails to assume the  
11 office of lieutenant governor because of death, resignation, or conviction  
12 of a felony, or refuses to take the oath of office, the governor-elect upon  
13 taking office shall nominate a lieutenant governor who shall take the oath  
14 of office upon confirmation by a majority vote of both houses of the  
15 general assembly. If the person nominated is a member of the general  
16 assembly, he may take the oath of office of lieutenant governor, and the  
17 legislative seat to which he was elected shall be vacant and filled in the  
18 manner prescribed by law pursuant to section 2 of article V of this  
19 constitution OFFICE OF THE GOVERNOR SHALL BE VACANT.

20 (4) In the event the lieutenant governor or lieutenant  
21 governor-elect accedes to the office of governor because of a vacancy in  
22 said office for any of the causes enumerated in subsections (1) and (3) of  
23 this section, the office of lieutenant governor shall be vacant. Upon  
24 taking office, the new governor shall nominate a lieutenant governor who  
25 shall take the oath of office upon confirmation by a majority vote of both  
26 houses of the general assembly. If the person nominated is a member of

1 ~~the general assembly, he may take the oath of office of lieutenant~~  
2 ~~governor, and the legislative seat to which he was elected shall be vacant~~  
3 ~~and filled in the manner prescribed by law pursuant to section 2 of article~~  
4 ~~V of this constitution.~~

5 (5) In the event the governor ~~or lieutenant governor~~, or  
6 ~~governor-elect or lieutenant governor-elect~~, at the time either of the latter  
7 is to take the oath of office, is absent from the state or is suffering from  
8 a physical or mental disability, the powers and duties of the office of  
9 governor ~~and the office of lieutenant governor~~ shall, until the absence or  
10 disability ceases, temporarily devolve upon ~~the lieutenant governor~~, in the  
11 case of the governor, and, in the case of the lieutenant governor, upon the  
12 first named member of the general assembly listed in subsection (7) of  
13 this section who is affiliated with the same political party as the  
14 ~~lieutenant governor~~; except that if ~~the lieutenant governor~~ and none of  
15 said members of the general assembly are affiliated with the same  
16 political party, the temporary vacancy in the office of ~~lieutenant~~ governor  
17 shall be filled by the first named member in said subsection (7). ~~In the~~  
18 ~~event that the offices of both the governor and lieutenant governor are~~  
19 ~~vacant at the same time for any of the reasons enumerated in this~~  
20 ~~subsection (5), the successors to fill the vacancy in the office of governor~~  
21 ~~and in the office of lieutenant governor shall be, respectively, the first and~~  
22 ~~second named members of the general assembly listed in subsection (7)~~  
23 ~~of this section who are affiliated with the same political party as the~~  
24 ~~governor~~; except that if the governor and none of said members of the  
25 general assembly are affiliated with the same political party, the vacancy  
26 in the office of governor and the vacancy in the office of lieutenant

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1 ~~governor, respectively, shall be filled by the first and second named~~  
2 ~~members in said subsection (7).~~ The pro rata salary of the governor ~~or~~  
3 ~~lieutenant governor~~ shall be paid to his successor for as long as he serves  
4 in such capacity, during which time he shall receive no other salary from  
5 the state.

6 (6) The governor or governor-elect ~~lieutenant governor or~~  
7 ~~lieutenant governor-elect,~~ or person acting as governor ~~or lieutenant~~  
8 ~~governor~~ may transmit to the president of the senate and the speaker of  
9 the house of representatives his written declaration that he suffers from  
10 a physical or mental disability and he is unable to properly discharge the  
11 powers and duties of the office of governor. ~~or lieutenant governor.~~ In  
12 the event no such written declaration has been made, his physical or  
13 mental disability shall be determined by a majority of the supreme court  
14 after a hearing held pursuant to a joint request submitted by joint  
15 resolution adopted by two-thirds of all members of each house of the  
16 general assembly. Such determination shall be final and conclusive. The  
17 supreme court, upon its own initiative, shall determine if and when such  
18 disability ceases.

19 (7) In the event that the ~~offices~~ OFFICE of ~~both~~ the governor ~~and~~  
20 ~~lieutenant governor are~~ IS vacant ~~at the same time~~ for any of the reasons  
21 enumerated in subsections (1) ~~(2)~~, and (3) of this section, the successor  
22 to fill the vacancy in the office of governor shall be the first named of the  
23 following members of the general assembly who is affiliated with the  
24 same political party as the governor: President of the senate, speaker of  
25 the house of representatives, minority leader of the senate, or minority  
26 leader of the house of representatives; except that if the governor and

1 none of said members of the general assembly are affiliated with the same  
2 political party, the vacancy shall be filled by one such member in the  
3 order of precedence listed in this subsection (7). The member filling the  
4 vacancy pursuant to this subsection (7) shall take the oath of office of  
5 governor and shall become governor, AND THE LEGISLATIVE SEAT TO  
6 WHICH HE OR SHE WAS ELECTED SHALL BE VACANT AND FILLED IN THE  
7 MANNER PRESCRIBED BY LAW PURSUANT TO SECTION 2 OF ARTICLE V OF  
8 THIS CONSTITUTION. ~~The office of lieutenant governor shall be filled in  
9 the same manner as prescribed in subsection (3) of this section when the  
10 lieutenant governor-elect fails to assume the office of lieutenant governor.~~

11 Section 22 of article IV of the constitution of the state of Colorado  
12 is amended to read:

13 **Section 22. Principal departments.** All executive and  
14 administrative offices, agencies, and instrumentalities of the executive  
15 department of state government and their respective functions, powers,  
16 and duties, except for the office of governor, ~~and lieutenant-governor,~~  
17 shall be allocated by law among and within not more than twenty  
18 departments by no later than June 30, 1968. Subsequently, all new  
19 powers or functions shall be assigned to departments, divisions, sections,  
20 or units in such manner as will tend to provide an orderly arrangement in  
21 the administrative organization of state government. Temporary  
22 commissions may be established by law and need not be allocated within  
23 a principal department. Nothing in this section shall supersede the  
24 provisions of section 13, article XII, of this constitution, except that the  
25 classified civil service of the state shall not extend to heads of principal  
26 departments established pursuant to this section.

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1           Section 13 (2) of article XII of the constitution of the state of  
2 Colorado is amended to read:

3           **Section 13. Personnel system of state - merit system.** (2) The  
4 personnel system of the state shall comprise all appointive public officers  
5 and employees of the state, except the following: Members of the public  
6 utilities commission, the industrial commission of Colorado, the state  
7 board of land commissioners, the Colorado tax commission, the state  
8 parole board, and the state personnel board; members of any board or  
9 commission serving without compensation except for per diem  
10 allowances provided by law and reimbursement of expenses; the  
11 employees in the ~~offices~~ OFFICE of the governor ~~and the lieutenant~~  
12 ~~governor~~ whose functions are confined to such ~~offices~~ OFFICE and whose  
13 duties are concerned only with the administration thereof; appointees to  
14 fill vacancies in elective offices; one deputy of each elective officer other  
15 than the governor ~~and lieutenant governor~~ specified in section 1 of article  
16 IV of this constitution; officers otherwise specified in this constitution;  
17 faculty members of educational institutions and departments not  
18 reformatory or charitable in character, and such administrators thereof as  
19 may be exempt by law; students and inmates in state educational or other  
20 institutions employed therein; attorneys at law serving as assistant  
21 attorneys general; and members, officers, and employees of the legislative  
22 and judicial departments of the state, unless otherwise specifically  
23 provided in this constitution.

24           Section 1 of article XIII of the constitution of the state of Colorado  
25 is amended to read:

26           **Section 1. House impeach - senate try - conviction - when chief**

1 **justice presides.** The house of representatives shall have the sole power  
2 of impeachment. The concurrence of a majority of all the members shall  
3 be necessary to an impeachment. All impeachments shall be tried by the  
4 senate, and when sitting for that purpose, the senators shall be upon oath  
5 or affirmation to do justice according to law and evidence. When the  
6 governor or ~~lieutenant-governor~~ is on trial, the chief justice of the  
7 supreme court shall preside. No person shall be convicted without a  
8 concurrence of two-thirds of the senators elected.

9 Section 4 of article XXI of the constitution of the state of Colorado  
10 is amended to read:

11 **Section 4. Limitation - municipal corporations may adopt,**  
12 **when.** No recall petition shall be circulated or filed against any officer  
13 until he has actually held his office for at least six months, save and  
14 except it may be filed against any member of the state legislature at any  
15 time after five days from the convening and organizing of the legislature  
16 after his election.

17 After one recall petition and election, no further petition shall be  
18 filed against the same officer during the term for which he was elected,  
19 unless the petitioners signing said petition shall equal fifty percent of the  
20 votes cast at the last preceding general election for all of the candidates  
21 for the office held by such officer as herein above defined.

22 In any recall election of a state elective officer, if the incumbent  
23 whose recall is sought is not recalled, he shall be repaid from the state  
24 treasury for the expenses of such election in the manner provided by law.  
25 The general assembly may establish procedures for the reimbursement by  
26 a local governmental entity of expenses incurred by an incumbent elective

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1 officer of such governmental entity whose recall is sought but who is not  
2 recalled.

3 If the governor is sought to be recalled under the provisions of this  
4 article, the duties herein imposed upon him shall be performed by the  
5 ~~lieutenant-governor~~ FIRST NAMED MEMBER OF THE GENERAL ASSEMBLY  
6 LISTED IN SUBSECTION (7) OF SECTION 13 OF ARTICLE IV OF THIS  
7 CONSTITUTION WHO IS AFFILIATED WITH THE SAME POLITICAL PARTY AS  
8 THE GOVERNOR; EXCEPT THAT, IF NONE OF THE SAID MEMBERS OF THE  
9 GENERAL ASSEMBLY ARE AFFILIATED WITH THE SAME POLITICAL PARTY,  
10 THE TEMPORARY VACANCY OF THE OFFICE OF GOVERNOR SHALL BE FILLED  
11 BY THE FIRST NAMED MEMBER IN SAID SUBSECTION (7); and if the secretary  
12 of state is sought to be recalled, the duties herein imposed upon him, shall  
13 be performed by the state auditor.

14 The recall may also be exercised by the registered electors of each  
15 county, city and county, city and town of the state, with reference to the  
16 elective officers thereof, under such procedure as shall be provided by  
17 law.

18 Until otherwise provided by law, the legislative body of any such  
19 county, city and county, city and town may provide for the manner of  
20 exercising such recall powers in such counties, cities and counties, cities  
21 and towns, but shall not require any such recall to be signed by registered  
22 electors more in number than twenty-five percent of the entire vote cast  
23 at the last preceding election, as in section 1 hereof more particularly set  
24 forth, for all the candidates for office which the incumbent sought to be  
25 recalled occupies, as herein above defined.

26 Every person having authority to exercise or exercising any public

1 or governmental duty, power or function, shall be an elective officer, or  
2 one appointed, drawn or designated in accordance with law by an elective  
3 officer or officers, or by some board, commission, person or persons  
4 legally appointed by an elective officer or officers, each of which said  
5 elective officers shall be subject to the recall provision of this  
6 constitution; provided, that, subject to regulation by law, any person may,  
7 without compensation therefor, file petitions, or complaints in courts  
8 concerning crimes, or do police duty only in cases of immediate danger  
9 to person or property.

10 Nothing herein contained shall be construed as affecting or  
11 limiting the present or future powers of cities and counties or cities  
12 having charters adopted under the authority given by the constitution,  
13 except as in the last three preceding paragraphs expressed.

14 In the submission to the electors of any petition proposed under  
15 this article, all officers shall be guided by the general laws of the state,  
16 except as otherwise herein provided.

17 This article is self-executing, but legislation may be enacted to  
18 facilitate its operations, but in no way limiting or restricting the  
19 provisions of this article, or the powers herein reserved.

20 **SECTION 2.** Each elector voting at said election and desirous of  
21 voting for or against said amendment shall cast a vote as provided by law  
22 either "Yes" or "No" on the proposition: "AN AMENDMENT TO ARTICLES  
23 IV, XII, XIII, AND XXI OF THE CONSTITUTION OF THE STATE OF  
24 COLORADO, ELIMINATING THE OFFICE OF LIEUTENANT GOVERNOR, AND, IN  
25 CONNECTION THEREWITH, DELETING ALL REFERENCES TO SAID OFFICE IN  
26 THE CONSTITUTION AND MODIFYING THE ORDER OF SUCCESSION TO FILL A

1 VACANCY IN THE OFFICE OF GOVERNOR."

2           **SECTION 3.** The votes cast for the adoption or rejection of said  
3 amendment shall be canvassed and the result determined in the manner  
4 provided by law for the canvassing of votes for representatives in  
5 Congress, and if a majority of the electors voting on the question shall  
6 have voted "Yes", the amendment to section 1 of article IV shall become  
7 a part of the state constitution effective upon on the date of the official  
8 declaration of the vote thereon by proclamation of the governor and the  
9 remainder of the amendment to articles IV, XII, XIII, and XXI shall  
10 become a part of the state constitution effective January 14, 2003.

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