

First Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

REENGROSSED

LLS NO. R05-0877.01 John Hershey

SCR05-005

SENATE SPONSORSHIP

Sandoval,

HOUSE SPONSORSHIP

Ragsdale,

Senate Committees

State, Veterans & Military Affairs

House Committees

SENATE CONCURRENT RESOLUTION 05-005

101 SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF
102 COLORADO AN AMENDMENT TO SECTION 2 OF ARTICLE XXI OF
103 THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING
104 ELECTIONS TO RECALL STATE ELECTED OFFICIALS, AND, IN
105 CONNECTION THEREWITH, PROVIDING FOR THE DEADLINES
106 REGARDING RECALL PETITIONS AND HEARINGS TO BE SET IN
107 STATUTE RATHER THAN IN THE CONSTITUTION AND STATING
108 THAT A RECALL ELECTION SHALL BE HELD AS PART OF A
109 GENERAL ELECTION IF A GENERAL ELECTION WILL BE HELD
110 BETWEEN FIFTY AND NINETY DAYS AFTER THE TIME FOR FILING
111 A PROTEST HAS PASSED AND ALL PROTESTS HAVE BEEN FINALLY
112 DECIDED.

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 26, 2005

SENATE
2nd Reading Unamended
April 20, 2005

Resolution Summary

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

Amends the provision of the state constitution on recall elections as follows:

Eliminates the deadlines for filing a protest of a recall petition, fixing a time for a hearing on the protest, holding a hearing on the protest, and refileing an amended recall petition.

States that protests and hearings on recall petitions shall be conducted in the manner prescribed by law.

States that, if a general election is to be held between 50 and 90 days after the time for filing a protest has passed and all protests have been finally decided, the recall election shall be held as part of the general election.

1 *Be It Resolved by the Senate of the Sixty-fifth 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
6 the constitution of the state of Colorado, to wit:

7 Section 2 of article XXI of the constitution of the state of Colorado
8 is amended to read:

9 **Section 2. Form of recall petition.** Any recall petition may be
10 circulated and signed in sections, provided each section shall contain a
11 full and accurate copy of the title and text of the petition; and such recall
12 petition shall be filed in the office in which petitions for nominations to
13 office held by the incumbent sought to be recalled are required to be
14 filed.

15 The signatures to such recall petition need not all be on one sheet

1 of paper, but each signer must add to his signature the date of his signing
2 said petition, and his place of residence, giving his street number, if any,
3 should he reside in a town or city. The person circulating such sheet
4 must make and subscribe an oath on said sheet that the signatures thereon
5 are genuine, and a false oath, willfully so made and subscribed by such
6 person, shall be perjury and be punished as such. All petitions shall be
7 deemed and held to be sufficient if they appear to be signed by the
8 requisite number of signers, and such signers shall be deemed and held
9 to be registered electors, unless a protest in writing under oath shall be
10 filed in the office in which such petition has been filed, by some
11 registered elector, ~~within fifteen days after such petition is filed,~~ setting
12 forth specifically the grounds of such protest, whereupon the officer with
13 whom such petition is filed shall forthwith mail a copy of such protest to
14 the person or persons named in such petition as representing the signers
15 thereof, together with a notice fixing a time for hearing such protest. ~~not~~
16 ~~less than five nor more than ten days after such notice is mailed.~~ All
17 hearings shall be before the officer with whom such protest is filed, and
18 all testimony shall be under oath. Such hearings shall be summary and
19 not subject to delay, ~~and must be concluded within thirty days after such~~
20 ~~petition is filed,~~ and the result thereof shall be forthwith certified to the
21 person or persons representing the signers of such petition. In case the
22 petition is not sufficient it may be withdrawn by the person or a majority
23 of the persons representing the signers of such petition, and may ~~within~~
24 ~~fifteen days thereafter,~~ be amended and refiled as an original petition.
25 The finding as to the sufficiency of any petition may be reviewed by any
26 state court of general jurisdiction in the county in which such petition is
27 filed, upon application of the person or a majority of the persons

1 representing the signers of such petition, but such review shall be had and
2 determined forthwith. The sufficiency, or the determination of the
3 sufficiency, of the petition referred to in this section shall not be held, or
4 construed, to refer to the ground or grounds assigned in such petition for
5 the recall of the incumbent sought to be recalled from office thereby.
6 PROTESTS AND HEARINGS ON THE SUFFICIENCY OF A RECALL PETITION
7 SHALL BE CONDUCTED IN THE MANNER PRESCRIBED BY LAW.

8 When such petition is sufficient, the officer with whom such recall
9 petition was filed, shall forthwith submit said petition, together with a
10 certificate of its sufficiency to the governor, who shall thereupon order
11 and fix the date for holding the election not less than thirty days nor more
12 than sixty days ~~from the date of submission of said petition~~ AFTER THE
13 TIME FOR FILING A PROTEST HAS PASSED AND ALL PROTESTS HAVE BEEN
14 FINALLY DECIDED; provided, if a general election is to be held ~~within~~ NOT
15 LESS THAN FIFTY DAYS NOR MORE THAN ninety days after the ~~date of~~
16 ~~submission of said petition~~ TIME FOR FILING A PROTEST HAS PASSED AND
17 ALL PROTESTS HAVE BEEN FINALLY DECIDED, the recall election shall be
18 held as part of said general election.

19 **SECTION 2.** Each elector voting at said election and desirous of
20 voting for or against said amendment shall cast a vote as provided by law
21 either "Yes" or "No" on the proposition: "AN AMENDMENT TO SECTION
22 2 OF ARTICLE XXI OF THE CONSTITUTION OF THE STATE OF COLORADO,
23 CONCERNING ELECTIONS TO RECALL STATE ELECTED OFFICIALS, AND, IN
24 CONNECTION THEREWITH, PROVIDING FOR THE DEADLINES REGARDING
25 RECALL PETITIONS AND HEARINGS TO BE SET IN STATUTE RATHER THAN IN
26 THE CONSTITUTION AND STATING THAT A RECALL ELECTION SHALL BE HELD
27 AS PART OF A GENERAL ELECTION IF A GENERAL ELECTION WILL BE HELD

1 BETWEEN FIFTY AND NINETY DAYS AFTER THE TIME FOR FILING A PROTEST
2 HAS PASSED AND ALL PROTESTS HAVE BEEN FINALLY DECIDED."

3 **SECTION 3.** The votes cast for the adoption or rejection of said
4 amendment shall be canvassed and the result determined in the manner
5 provided by law for the canvassing of votes for representatives in
6 Congress, and if a majority of the electors voting on the question shall
7 have voted "Yes", the said amendment shall become a part of the state
8 constitution.