

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



SENATE CONCURRENT RESOLUTION 05-005

BY SENATOR(S) Sandoval;
also REPRESENTATIVE(S) Ragsdale, and Coleman.

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

Be It Resolved by the Senate of the Sixty-fifth General Assembly of the State of Colorado, the House of Representatives concurring herein:

SECTION 1. At the next election at which such question may be submitted, there shall be submitted to the registered electors of the state of Colorado, for their approval or rejection, the following amendment to the constitution of the state of Colorado, to wit:

Section 2 of article XXI of the constitution of the state of Colorado

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

is amended to read:

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

The signatures to such recall petition need not all be on one sheet of paper, but each signer must add to his signature the date of his signing said petition, and his place of residence, giving his street number, if any, should he reside in a town or city. The person circulating such sheet must make and subscribe an oath on said sheet that the signatures thereon are genuine, and a false oath, willfully so made and subscribed by such person, shall be perjury and be punished as such. All petitions shall be deemed and held to be sufficient if they appear to be signed by the requisite number of signers, and such signers shall be deemed and held to be registered electors, unless a protest in writing under oath shall be filed in the office in which such petition has been filed, by some registered elector, ~~within fifteen days after such petition is filed~~, setting forth specifically the grounds of such protest, whereupon the officer with whom such petition is filed shall forthwith mail a copy of such protest to the person or persons named in such petition as representing the signers thereof, together with a notice fixing a time for hearing such protest. ~~not less than five nor more than ten days after such notice is mailed~~. All hearings shall be before the officer with whom such protest is filed, and all testimony shall be under oath. Such hearings shall be summary and not subject to delay, ~~and must be concluded within thirty days after such petition is filed~~, and the result thereof shall be forthwith certified to the person or persons representing the signers of such petition. In case the petition is not sufficient it may be withdrawn by the person or a majority of the persons representing the signers of such petition, and may ~~within fifteen days thereafter~~, be amended and refiled as an original petition. The finding as to the sufficiency of any petition may be reviewed by any state court of general jurisdiction in the county in which such petition is filed, upon application of the person or a majority of the persons representing the signers of such petition, but such review shall be had and determined forthwith. The sufficiency, or the determination of the sufficiency, of the petition referred to in this section shall not be held, or construed, to refer to the ground or grounds assigned in such petition for the recall of the incumbent sought to be recalled from office thereby. PROTESTS AND HEARINGS ON THE SUFFICIENCY OF A RECALL PETITION SHALL

BE CONDUCTED IN THE MANNER PRESCRIBED BY LAW.

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

SECTION 2. Each elector voting at said election and desirous of voting for or against said amendment shall cast a vote as provided by law either "Yes" or "No" on the proposition: "AN AMENDMENT TO SECTION 2 OF ARTICLE XXI OF THE CONSTITUTION OF THE STATE OF COLORADO, CONCERNING ELECTIONS TO RECALL STATE ELECTED OFFICIALS, AND, IN CONNECTION THEREWITH, PROVIDING FOR THE DEADLINES REGARDING RECALL PETITIONS AND HEARINGS TO BE SET IN STATUTE RATHER THAN IN THE CONSTITUTION AND STATING THAT A RECALL ELECTION SHALL BE HELD AS PART OF A GENERAL ELECTION IF A GENERAL ELECTION WILL BE HELD BETWEEN FIFTY AND NINETY DAYS AFTER THE TIME FOR FILING A PROTEST HAS PASSED AND ALL PROTESTS HAVE BEEN FINALLY DECIDED."

SECTION 3. The votes cast for the adoption or rejection of said amendment shall be canvassed and the result determined in the manner provided by law for the canvassing of votes for representatives in Congress,

and if a majority of the electors voting on the question shall have voted "Yes", the said amendment shall become a part of the state constitution.

Joan Fitz-Gerald
PRESIDENT OF
THE SENATE

Andrew Romanoff
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES