

Referendum F Recall Deadlines

1 **Ballot Title:** An amendment to section 2 of article XXI of the constitution of the state
2 of Colorado, concerning elections to recall state elected officials, and, in connection
3 therewith, providing for the deadlines regarding recall petitions and hearings to be set
4 in statute rather than in the constitution and stating that a recall election shall be held as
5 part of a general election if a general election will be held between fifty and ninety days
6 after the time for filing a protest has passed and all protests have been finally decided.

7 **Text of Proposal:**

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

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

14 Section 2 of article XXI of the constitution of the state of Colorado is amended
15 to read:

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

21 The signatures to such recall petition need not all be on one sheet of paper, but
22 each signer must add to his signature the date of his signing said petition, and his place
23 of residence, giving his street number, if any, should he reside in a town or city. The
24 person circulating such sheet must make and subscribe an oath on said sheet that the
25 signatures thereon are genuine, and a false oath, willfully so made and subscribed by
26 such person, shall be perjury and be punished as such. All petitions shall be deemed and
27 held to be sufficient if they appear to be signed by the requisite number of signers, and
28 such signers shall be deemed and held to be registered electors, unless a protest in
29 writing under oath shall be filed in the office in which such petition has been filed, by
30 some registered elector, ~~within fifteen days after such petition is filed;~~ setting forth
31 specifically the grounds of such protest, whereupon the officer with whom such petition
32 is filed shall forthwith mail a copy of such protest to the person or persons named in
33 such petition as representing the signers thereof, together with a notice fixing a time for
34 hearing such protest. ~~not less than five nor more than ten days after such notice is~~

1 **mailed:** All hearings shall be before the officer with whom such protest is filed, and all
2 testimony shall be under oath. Such hearings shall be summary and not subject to delay,
3 ~~and must be concluded within thirty days after such petition is filed~~, and the result
4 thereof shall be forthwith certified to the person or persons representing the signers of
5 such petition. In case the petition is not sufficient it may be withdrawn by the person
6 or a majority of the persons representing the signers of such petition, and may ~~within~~
7 ~~fifteen days thereafter~~, be amended and refiled as an original petition. The finding as
8 to the sufficiency of any petition may be reviewed by any state court of general
9 jurisdiction in the county in which such petition is filed, upon application of the person
10 or a majority of the persons representing the signers of such petition, but such review
11 shall be had and determined forthwith. The sufficiency, or the determination of the
12 sufficiency, of the petition referred to in this section shall not be held, or construed, to
13 refer to the ground or grounds assigned in such petition for the recall of the incumbent
14 sought to be recalled from office thereby. PROTESTS AND HEARINGS ON THE
15 SUFFICIENCY OF A RECALL PETITION SHALL BE CONDUCTED IN THE MANNER PRESCRIBED
16 BY LAW.

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

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

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