

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. R16-0215.01 Bob Lackner x4350

SCR16-001

---

SENATE SPONSORSHIP

Steadman,

HOUSE SPONSORSHIP

(None),

---

Senate Committees

State, Veterans, & Military Affairs

House Committees

---

SENATE CONCURRENT RESOLUTION 16-001

101     SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF  
102             COLORADO AMENDMENTS TO THE COLORADO CONSTITUTION  
103             REPEALING PROVISIONS DEEMED OBSOLETE ON ACCOUNT OF A  
104             DETERMINATION OF THE UNCONSTITUTIONALITY OF SAID  
105             PROVISIONS BY A COURT OF COMPETENT JURISDICTION AFTER  
106             THE EXHAUSTION OF APPELLATE REMEDIES.

---

Resolution Summary

*(Note: This summary applies to this resolution as introduced and does not reflect any amendments that may be subsequently adopted. If this resolution passes third reading in the house of introduction, a resolution summary that applies to the reengrossed version of this resolution will be available at <http://www.leg.state.co.us/billsummaries>.)*

The concurrent resolution repeals the following constitutional

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.*

provisions deemed obsolete on account of the determination of the unconstitutionality of those provisions by a court of competent jurisdiction:

! The "prior participation requirement" in provisions of the state constitution relating to recall elections that was held unconstitutional in the case of *In re Interrogatories Propounded by governor John Hickenlooper*, 2013 CO 62, 312 P.3d 153.

! Certain campaign finance provisions of the state constitution resulting from the cases of *In re Interrogatories Propounded by governor B.U. Ritter, Jr.*, 227 P.3d 892 (Colo. 2010) and *Dallman v. Ritter*, 225 P.3d 610 (2010).

! Certain bill of rights provisions of the state constitution resulting from the case of *Evans v. Romer*, 882 P.2d 1335 (Colo. 1994), *aff'd*, 517 U.S. 620 (1996) and *Obergefell v. Hodges*, 576 U.S. (2015).

---

1           *Be It Resolved by the Senate of the Seventieth General Assembly*  
2           *of the State of Colorado, the House of Representatives concurring herein:*

3           **SECTION 1.** At the election held on November 8, 2016, the  
4           secretary of state shall submit to the registered electors of the state the  
5           ballot title set forth in section 2 for the following amendment to the state  
6           constitution:

7           In the constitution of the state of Colorado, **amend** section 3 of  
8           article XXI as follows:

9           **Section 3. Resignation - filling vacancy.** If such officer shall  
10          offer his resignation, it shall be accepted, and the vacancy caused by such  
11          resignation, or from any other cause, shall be filled as provided by law;  
12          but the person appointed to fill such vacancy shall hold his office only  
13          until the person elected at the recall election shall qualify. If such officer  
14          shall not resign within five days after the sufficiency of the recall petition  
15          shall have been sustained, the governor shall make or cause to be made  
16          publication of notice for the holding of such election, and officers

1 charged by law with duties concerning elections shall make all  
2 arrangements for such election, and the same shall be conducted, returned  
3 and the result thereof declared in all respects as in the case of general  
4 elections.

5 On the official ballot at such elections shall be printed in not more  
6 than 200 words, the reasons set forth in the petition for demanding his  
7 recall, and in not more than three hundred words there shall also be  
8 printed, if desired by him, the officer's justification of his course in office.  
9 If such officer shall resign at any time subsequent to the filing thereof, the  
10 recall election shall be called notwithstanding such resignation.

11 There shall be printed on the official ballot, as to every officer  
12 whose recall is to be voted on, the words, "Shall (name of person against  
13 whom the recall petition is filed) be recalled from the office of (title of  
14 the office)?" Following such question shall be the words, "Yes" and "No",  
15 on separate lines, with a blank space at the right of each, in which the  
16 voter shall indicate, by marking a cross (X), his vote for or against such  
17 recall.

18 On such ballots, under each question, there shall also be printed  
19 the names of those persons who have been nominated as candidates to  
20 succeed the person sought to be recalled. ~~but no vote cast shall be counted~~  
21 ~~for any candidate for such office, unless the voter also voted for or~~  
22 ~~against the recall of such person sought to be recalled from said office.~~  
23 The name of the person against whom the petition is filed shall not appear  
24 on the ballot as a candidate for the office.

25 If a majority of those voting on said question of the recall of any  
26 incumbent from office shall vote "no", said incumbent shall continue in  
27 said office; if a majority shall vote "yes", such incumbent shall thereupon

1 be deemed removed from such office upon the qualification of his  
2 successor.

3 If the vote had in such recall elections shall recall the officer then  
4 the candidate who has received the highest number of votes for the office  
5 thereby vacated shall be declared elected for the remainder of the term,  
6 and a certificate of election shall be forthwith issued to him by the  
7 canvassing board. In case the person who received the highest number of  
8 votes shall fail to qualify within fifteen days after the issuance of a  
9 certificate of election, the office shall be deemed vacant, and shall be  
10 filled according to law.

11 Candidates for the office may be nominated by petition, as now  
12 provided by law, which petition shall be filed in the office in which  
13 petitions for nomination to office are required by law to be filed not less  
14 than fifteen days before such recall election.

15 In the constitution of the state of Colorado, section 3 of article  
16 XXVIII, **amend** (4) (a) as follows:

17 **Section 3. Contribution limits.** (4) (a) It shall be unlawful for a  
18 corporation or labor organization to make contributions to a candidate  
19 committee or a political party; ~~and to make expenditures expressly~~  
20 ~~advocating the election or defeat of a candidate;~~ except that a corporation  
21 or labor organization may establish a political committee or small donor  
22 committee which may accept contributions or dues from employees,  
23 officeholders, shareholders, or members.

24 In the constitution of the state of Colorado, **repeal** sections 30b  
25 and 31 of article II.

26 In the constitution of the state of Colorado, **repeal** section 2 (4.5),  
27 (8.5), (14.4), and (14.6) and sections 6 (2), 15, 16, and 17 of article

1 XXVIII.

2           **SECTION 2.** Each elector voting at the election may cast a vote  
3 either "Yes/For" or "No/Against" on the following ballot title: "Shall  
4 there be amendments to the Colorado constitution repealing provisions  
5 deemed obsolete on account of a determination of the unconstitutionality  
6 of said provisions by a court of competent jurisdiction after the  
7 exhaustion of appellate remedies?"

8           **SECTION 3.** Except as otherwise provided in section 1-40-123,  
9 Colorado Revised Statutes, if a majority of the electors voting on the  
10 ballot title vote "Yes/For", then the amendment will become part of the  
11 state constitution.