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Colorado Secretary of State

S.WARD 2:11 P.M.

NON-PARTISAN, APPOINTED SECRETARY OF STATE

**Statement of Intent** – To convert the office of Secretary of State from an elected office filled in partisan elections to an appointed office filled by a director not involved in any manner in partisan politics.

Be it enacted by the People of the State of Colorado:

In the constitution of the State of Colorado, amend Article IV as follows:

**Section 1. Officers - Terms Of Office**

(1) The executive department shall include the governor, lieutenant governor, secretary of state, state treasurer, and attorney general, each of whom – EXCEPTING THE SECRETARY OF STATE - shall hold his office for the term of four years, commencing on the second Tuesday of January in the year 1967, and each fourth year thereafter. They shall perform such duties as are prescribed by this constitution or by law.

(2) In order to broaden the opportunities for public service and to guard against excessive concentrations of power, no governor, lieutenant governor, ~~secretary of state~~, state treasurer, or attorney general shall serve more than two consecutive terms in such office. This limitation on the number of terms shall apply to terms of office beginning on or after January 1, 1991. Any person who succeeds to the office of governor or is appointed or elected to fill a vacancy in one of the other offices named in this section, and who serves at least one-half of a term of office, shall be considered to have served a term in that office for purposes of this subsection (2). Terms are considered consecutive unless they are at least four years apart.

**Section 3. State Officers - Election - Returns**

(1). The officers named in section one of this article – EXCEPTING THE SECRETARY OF STATE - shall be chosen on the day of the general election, by the registered electors of the state. The governor and the lieutenant governor shall be chosen jointly by the casting by each voter of a single vote applicable to both offices. The returns of every election for said officers shall be sealed up and transmitted to the secretary of state, directed to the speaker of the house of representatives, who shall immediately, upon the organization of the house, and before proceeding to other business, open and publish the same in the presence of a majority of the members of both houses of the general assembly, who shall for that purpose assemble in the house of representatives. The joint candidates having the highest number of votes cast for

governor and lieutenant governor, and the person having the highest number of votes for any other office EXCEPTING THE SECRETARY OF STATE, shall be declared duly elected, but if two or more have an equal and the highest number of votes for the same office or offices, one of them, or any two for whom joint votes were cast for governor and lieutenant governor respectively, shall be chosen thereto by the two houses, on joint ballot. Contested elections for the said offices shall be determined by the two houses, on joint ballot, in such manner as may be prescribed by law.

(2). THE TERM OF OFFICE OF THE SECRETARY OF STATE ELECTED IN THE GENERAL ELECTION CONDUCTED IN NOVEMBER OF 2014 SHALL BE TWO YEARS.

(3). A SECRETARY OF STATE SHALL BE APPOINTED BY THE GOVERNOR NO LATER THAN JANUARY 30, 2017.

A. THE TERM SHALL BE FOR SIX YEARS ENDING DEC. 31, 2023. AND THE GOVERNOR SHALL NO LATER THAN JAN. 30, 2024 AND EVERY SIX YEARS THEREAFTER EITHER RENEW THE APPOINTMENT OR APPOINT ANOTHER.

B. EACH APPOINTMENT SHALL OF SUBJECT TO CONFIRMATION BY THE STATE SENATE, EXCEPT THAT IF THE STATE SENATE HAS NOT ACTED TO CONFIRM OR REJECT THE APPOINTMENT WITHIN 30 DAYS AFTER THE GOVERNOR HAS SUBMITTED THE APPOINTMENT FOR ITS CONSIDERATION, THE APPOINTEE SHALL ASSUME THE OFFICE, AND IF THE STATE SENATE REJECTS THE GOVERNOR'S FIRST TWO APPOINTMENTS HIS NEXT APPOINTMENT SHALL NOT BE SUBJECT TO SENATE CONFIRMATION.

C. AS A CONDITION OF THE APPOINTMENT, THE SECRETARY OF STATE SHALL:

I. BE REGISTERED AS AN UNAFFILIATED VOTER AND HAVE BEEN SO REGISTERED FOR AT LEAST THREE YEARS PRIOR TO BEING APPOINTED, OR BE UNREGISTERED.

II. NOT HAVE BEEN A CANDIDATE FOR PUBLIC OFFICE, AN EMPLOYEE OF A CANDIDATE. AN EMPLOYEE OF A CANDIDATE'S CAMPAIGN, OR AN ATTORNEY FOR A CANDIDATE IN ANY STATE AT ANY TIME DURING THE PREVIOUS THREE YEARS.

III. NOT HAVE BEEN AN ELECTED OFFICEHOLDER, AN EMPLOYEE OF AN ELECTED OFFICEHOLDER, OR AN ATTORNEY FOR AN ELECTED OFFICEHOLDER AT ANY TIME DURING THE PREVIOUS THREE YEARS:

IV. NOT HAVE BEEN AN OFFICER, EMPLOYEE OR AN ATTORNEY OF - OR FOR - A POLITICAL PARTY AT ANY TIME DURING THE PREVIOUS THREE YEARS..

(D). DURING THE COURSE OF THEIR APPOINTMENT, THE SECRETARY OF STATE SHALL UNDERTAKE AND EXECUTE THE RESPONSIBILITIES OF THE OFFICE IN A NON-PARTISAN MANNER, AND IN FURTHERANCE THEREOF SHALL NOT:

I. REGISTER AS A VOTER WITH AN AFFILIATION WITH ANY POLITICAL PARTY.

II. SEEK OR ACCEPT AN AFFILIATION, POSITION, OFFICE OR ASSOCIATION OF ANY KIND WITH A POLITICAL PARTY.

III. CONTRIBUTE TO OR OTHERWISE ASSIST IN ANY MANNER THE CAMPAIGN OF ANY CANDIDATE.

IV. ACCEPT EMPLOYMENT OR CONTRACT WORK OTHER THAN AS SECRETARY OF STATE.

IV. ENGAGE IN ANY PARTISAN POLITICAL ACTIVITY EXCEPT TO VOTE.

VI. SUPPORT OR OPPOSE ANY CANDIDATE OR PARTISAN ORGANIZATION, OR ALLOW HIS OR HER NAME TO BE USED IN CONNECTION WITH ANY ACTIVITY OF A POLITICAL ORGANIZATION OR CAMPAIGN.

IX. MAKE ANY CONTRIBUTION TO, OR SOLICIT FUNDS ON BEHALF OF, ANY CANDIDATE, POLITICAL PARTY OR PARTISAN ORGANIZATION.

(E). THE GOVERNOR SHALL NOT REMOVE THE SECRETARY OF STATE FOR ANY REASON OTHER THAN MALFEASANCE OR JUST CAUSE. AND, IN THE EVENT SECRETARY OF STATE IS SO REMOVED, THE GOVERNOR SHALL APPOINT A REPLACEMENT WITHIN 30 DAYS, AND THE APPOINTMENT WILL BE IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THIS SECTION GOVERNING QUALIFICATIONS AND SENATE CONFIRMATION, EXCEPT THAT THE SENATE SHALL CONSIDER THE APPOINTMENT DURING THE NEXT GENERAL ASSEMBLY.

### **Self-Executing And Severable**

PROVISIONS OF THE CHANGES HEREBY ENACTED ARE SELF-EXECUTING AND SEVERABLE, AND SUPERSEDE CONFLICTING LAWS AND REGULATIONS. LAWS AND REGULATIONS MAY BE ENACTED TO FACILITATE THE OPERATION OF THESE AMENDED SECTIONS.

### **Effective Date.**

THESE AMENDED SECTIONS SHALL BECOME EFFECTIVE UPON OFFICIAL DECLARATION OF THE VOTE HEREON BY PROCLAMATION OF THE GOVERNOR PURSUANT TO SECTION 1 (4) OF ARTICLE V.