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0151 An Analysis of 1970 Ballot Proposals

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LEGISLATIVE COUNCIL
OF THE
COLORADO GENERAL ASSEMBLY

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AN ANALYSIS OF
1970 BALLOT PROPOSALS

Research Publication No. 151
1970

COLORADO GENERAL ASSEMBLY



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LETTER OF TRANSMITTAL

July 6, 1970

This analysis of the constitutional amendments to be voted upon at the 1970 general election has been prepared by the Colorado Legislative Council as a public service to members of the General Assembly and to the general public pursuant to 63-4-3, Colorado Revised Statutes 1963.

The provisions of each proposal are set forth, along with general comments on their application and effect. Careful attention has been given to arguments both for and against the various proposals in an effort to present both sides on each issue. While all arguments for and against the proposed amendments may not have been included, the major ones have been set forth, so that each citizen may decide for himself the relative merits of each proposal.

It should be emphasized that the Legislative Council takes no position, pro or con, with respect to the merits of these proposals. In listing the ARGUMENTS FOR and the ARGUMENTS AGAINST, the Council is merely putting forth the arguments most commonly offered by proponents and opponents of each proposal. The quantity or quality of the FOR and AGAINST paragraphs listed for each proposal is not to be interpreted as an indication or inference of Council sentiment.

Respectfully submitted,

/s/ Representative C. P. (Doc) Lamb
Chairman

CPL/mp

BALLOT TITLES

Constitutional Amendments Submitted by the General Assembly

1. An amendment to section 22 of article IV of the constitution of the state of Colorado, exempting the heads of principal departments established pursuant thereto from the classified civil service of the state.
2. An amendment to article XII of the constitution of the state of Colorado, creating the Colorado state personnel system, providing therein for the application of the merit system of employment and retention of employees of the state of Colorado, and the granting of preference in employment to veterans.
3. An amendment to articles XI, XIV, and XX of the constitution of the state of Colorado, relating to local government, and providing for home rule and service authorities.
4. An amendment to article VII of the constitution of the state of Colorado, reducing the minimum age and residency requirements of electors and extending the right to vote for candidates for the United States Senate and House of Representatives and providing that electors shall have all the rights, privileges, liabilities, responsibilities, and duties of adults, as provided by law.
5. An amendment to article VII of the constitution of the state of Colorado, changing the residency qualification of electors, and providing that no person shall be denied the right to vote in an election because of residence on land situated within this state that is under the jurisdiction of the United States.

AMENDMENT NO. 1 -- APPOINTMENT OF
HEADS OF EXECUTIVE DEPARTMENTS

Provisions:

Amendment No. 1 would exempt the heads of principal departments within the executive branch of state government from the civil service requirements of the state constitution.

In effect this would permit legislation giving the Governor full power to select (and remove) the executive directors of nine departments: Revenue, Institutions, Health, Social Services, Labor and Employment, Regulatory Agencies, Local Affairs, Highways, and Agriculture (all of whom are now under civil service). The Governor would continue to select the heads of the Departments of Administration, Natural Resources, and Military Affairs.

Implementing provisions relating to the appointment, removal, qualifications, and compensation of the newly exempted officials would be matters for consideration by the state legislature in 1971.

Comments:

Under the provisions of a constitutional amendment approved by the voters in 1966, the executive branch of state government has been reorganized into seventeen principal departments. ^{1/} The reorganization has given the Governor greater opportunity for executive coordination and control by reducing the number of department heads with whom he must deal.

The authority of the Governor over the executive branch is not yet complete, however. One major limitation is that the state civil service provisions still apply to the heads of nine of the seventeen departments. Amendment No. 1 would eliminate

^{1/} The Departments of State, Treasury, Law, Higher Education, Education, Administration, Revenue, Institutions, Health, Social Services, Labor and Employment, Regulatory Agencies, Agriculture, Natural Resources, Local Affairs, Highways, and Military Affairs are currently established. If proposed Amendment No. 2 is adopted, a Department of Personnel would be added, making a total of 18 principal departments out of a maximum of 20.

this limitation by removing the civil service requirement for these nine and permitting them to be added to the list of three department heads who are already non-civil service appointees of the Governor. 2/

Nearly every Governor of the state for the past thirty years has advocated a change in the constitution to enable the Governor to select his own department heads. Studies of state government during that same period have resulted in similar recommendations. The most recent recommendations have come from the Legislative Committee on Organization of State Government and the Colorado Committee on Government Efficiency and Economy. Amendment No. 1 permitting selection of department heads is considered by these two groups to be the logical "next step" in modernizing and strengthening the executive branch of state government in Colorado.

The amendment would not change the method of selection for the other department heads who are exempt from civil service. These include three constitutionally elected officials -- the Secretary of State, State Treasurer, and Attorney General -- and the heads of the Departments of Education and Higher Education. The elected State Board of Education would continue to appoint the Commissioner of Education, and the Commission on Higher Education (appointed by the Governor) would continue to select its own executive director, who serves as head of the Department of Higher Education.

Popular Arguments For:

1. The Governor is the chief executive officer of the state. As such, he is responsible for formulating and administering the policies of the executive branch of state government. Yet nine of his seventeen department heads are civil service employees over whom he has no real power of selection or removal. How can the Governor carry out his duties as head of the executive branch when he has no effective control over department heads? Amendment No. 1 would help give the Governor authority commensurate with his executive responsibility by allowing him to select at least twelve principal department heads.

2/ The head of the Department of Administration is appointed as the deputy governor; the head of the Department of Natural Resources is appointed as the commissioner of mines; and the head of the Department of Military Affairs is appointed as the adjutant general.

2. During the last several years major improvements have been made in the organizational structure of state government in Colorado. One of the most significant achievements has been the reduction of the number of principal departments to not more than 20. With fewer department heads, the Governor is better able to develop the improved coordination and communication needed for an efficient and responsive executive branch. But another change is needed before there can be any assurance that the departments will implement the Governor's policies effectively. The Governor needs department heads who are his own appointees, not career civil service employees who may operate relatively independently. Amendment No. 1 would make possible this next step in executive reorganization by eliminating the civil service status now afforded over half the present department heads.

3. In a democratic government, authority and responsibility should be in the hands of an elected official who is ultimately accountable to the voters. This promotes state government which is both responsive and responsible. If the administration of government becomes defective, citizens should be able to determine who is responsible. This amendment would help by centralizing more of the responsibility for state government administration in the hands of the Governor.

4. If the Governor is allowed to choose his own department heads as proposed under this amendment, he can no longer contend that he lacks control over a particular area. Under the present system, the Governor can sometimes avoid responsibility when problems arise by pointing out that the department involved is directed by a civil service employee.

5. Adoption of this amendment would enable a Governor to carry out effectively the campaign promises on which he was elected.

6. Most other states and the federal government give their chief executive officer the power to appoint policy-level department heads. Colorado should also adopt this common and proven practice of effective public administration.

7. The proposed amendment would exempt only a department's executive director from the classified civil service. Deputies, division heads, and other employees who are now subject to civil service would retain their civil service status. Since it affects only nine people, the proposal could hardly be described as a return to the "spoils" system; it is merely a modernization of administrative organization.

Popular Arguments Against:

1. Amendment No. 1 would undermine the high standards which the Civil Service Commission has established for state employees over the years. With the civil service requirements removed, there would be nothing to prevent a return to the political patronage system for top level jobs in state government. The Governor could pay off political debts and reward political friends by appointing them to high paying positions for which they are not qualified. The voters of Colorado should prevent such a return to the "spoils" system by rejecting this proposed amendment.

2. Many of the state's principal departments deal with matters which should remain independent and free from political considerations. The administration of these departments requires continuity and expertise and should be in the hands of qualified professionals who can best be recruited and retained through civil service testing and certification. It would be a mistake to subject such departments to the political whims of a particular Governor and his administration.

3. This amendment would result in the concentration of power in the hands of a few. Under the amendment, the Governor and his department heads would have an inordinate amount of control over the policies and personnel of state government. As citizens of Colorado, we have a responsibility to guard against constitutional changes which lead in this direction.

4. Adoption of this amendment could work against efficiency in state government because the top administrative officers might be overly sensitive to the desires of the Governor and less responsive to the needs of the people. Thus a Governor who was not sincere in his campaign promises could effectively thwart good government either by inaction or by capricious policy-making.

5. The Governor should have the power to select all of his department heads, not just some. Under the amendment, other methods of selection would still be constitutionally prescribed for four department heads. The Secretary of State, State Treasurer, and Attorney General would remain elected officials, and the Commissioner of Education would still be appointed by the elected State Board of Education. No proposal designed to give the Governor greater control over his principal departments should ignore the constitutional provisions which limit his powers over the four above-named department heads.

AMENDMENT NO. 2 -- STATE PERSONNEL SYSTEM
AND VETERANS' PREFERENCE

Provisions:

Amendment No. 2 would revise the constitutional provisions relating to the state civil service system and veterans' preference, effective July 1, 1971. (The veterans' preference section applies to municipal and other local personnel systems as well as to the state system.)

1. The amendment would establish a state personnel system in a new and separate Department of Personnel (making the 18th principal department) to replace the present classified civil service system in the Department of Administration. The Department of Personnel would be headed by a State Personnel Director, appointed under qualifications established by law to have primary responsibility for the administration of the state personnel system.

2. The present three-member Civil Service Commission would be replaced with a five-member State Personnel Board. The new board would establish rules for the state personnel system and for veterans' preference, such rules to include standardization of positions, determination of grades of positions, standards of efficient and competent service, the conduct of competitive examinations, grievance procedures, appeals from actions by appointing authorities, and conduct of hearings by hearing officers where authorized by law. Under the proposed new organizational structure, the board itself would become primarily a policy-making and appeals body, less concerned with the day-to-day administration of the personnel system than is the present Civil Service Commission.

3. The members of the State Personnel Board would be selected for staggered terms of five years each. Compensation would be set by the state legislature. Members would be permitted to succeed themselves in office. Three of the members would be appointed by the Governor with the consent of the Senate and two would be elected by persons certified in the state personnel system. Vacancies would be filled in the same manner as the original selection. Each member of the board would have to be a qualified elector, but could not be an officer or employee of the state or of any state employee organization. A member could be removed by the Governor, subject to judicial review, for: (a) willful misconduct in office; (b) willful failure or inability to perform his duties; (c) final conviction of a felony or offense involving moral turpitude; or (d) permanent disability interfering with the performance of his duties.

4. Amendment No. 2 would adopt the "rule of three" to replace the "rule of one" under which the civil service system now operates. Thus the appointing authority would no longer be bound to accept the one person who scored highest on the competitive examination; he would be given a choice and could select any one of the three top ranking names.

5. The head of each principal department would be the appointing authority for the employees of his own immediate office and for the division heads in his department. Each division head would be the appointing authority for all positions within his division. In addition to selecting new employees, the appointing authority would make all initial determinations in dismissal, suspension, and disciplinary proceedings, subject to appeal to the State Personnel Board.

6. The amendment would continue the merit system concept of competitive testing for appointments and promotions and would retain basic provisions for uniformity in grading and compensation. Appointments and promotions would be without regard to race, creed, color, or political affiliation. Certified employees would hold their positions "during efficient service", with the retirement age to be determined by law. Dismissal, suspension, or discipline could be only upon the appointing authority's written findings of: (a) failure to comply with standards of efficient service or competence; (b) willful misconduct; (c) willful failure or inability to perform duties; or (d) final conviction of a felony or offense involving moral turpitude. Appeal could be taken to the State Personnel Board, with the right to be heard in person or by counsel, or both. The present provision permitting dismissal "for the good of the service" would be eliminated.

7. A new system for "probationary periods" up to twelve months would be established for all persons initially appointed. Certification would follow satisfactory completion of any such period, but if performance is unsatisfactory, the person on probation could be dismissed by the appointing authority without right of appeal.

8. A "grandfather" clause in the amendment provides that persons already certified under the classified civil service of the state or who have served for six months or more as provisional employees immediately prior to July 1, 1971, would be certified to comparable positions, grades, and classifications in the new state personnel system and would not be subject to any probationary period.

9. Restrictions would be placed on temporary appointments, and "provisional" appointments for an indefinite period would be

eliminated. Under the amendment, the State Personnel Director could authorize temporary employment, but only up to six months while an eligible list for a permanent position is being prepared. No other temporary or emergency employment would be permitted.

10. The amendment would remove the requirement that an appointee be a qualified elector of the state. (This is the provision that has resulted in the minimum age of 21 years and the one-year residence requirement.) Under the proposed revision there would be no constitutional age restriction, and it only would be necessary for the appointee to reside in the state currently. Out-of-state applications could still be accepted for positions requiring special training or qualifications.

11. Under Amendment No. 2, the state personnel system would apply to all appointive public officers and employees of the state except those listed below. (The following list of exemptions does not differ greatly from the current exemptions under civil service.)

a. Members of:

- i. Public Utilities Commission;
- ii. Industrial Commission;
- iii. State Board of Land Commissioners;
- iv. Colorado Tax Commission* (to become the Board of Assessment Appeals, effective July 1, 1971);
- v. State Parole Board*;
- vi. State Personnel Board (to replace the Civil Service Commission);

b. Members of any board or commission serving without compensation except for per diem allowances and reimbursement of expenses;

c. Employees in the offices of Governor and Lieutenant Governor whose functions are confined to such offices and whose duties are concerned only with the administration thereof;**

*Presently subject to civil service.

**Not all of these are presently exempt from civil service.

- d. Appointees to fill vacancies in elective offices;
- e. One deputy each for the Secretary of State, the State Treasurer, and the Attorney General;
- f. Officers otherwise specified in this constitution;
- g. Faculty members of educational institutions and departments not reformatory or charitable in character, and such administrators thereof as may be exempt by law;***
- h. Students and inmates in state educational or other institutions employed therein;**
- i. Attorneys at law serving as assistant attorneys general;
- j. Members, officers, and employees of the legislative and judicial departments of the state, unless otherwise specifically provided in the constitution.

12. The amendment would authorize the Colorado Supreme Court to determine whether officers and employees within the judicial department, other than judges and justices, should be included within the state personnel system. It would also authorize the state legislature to adopt enabling legislation for political subdivisions to contract with the State Personnel Board for personnel services.

13. Amendment No. 2 would retain the basic principles of the veterans' preference system, whereby veterans are entitled to bonus points on competitive examinations conducted by the state personnel system and all other comparable state and local civil service or merit systems within the state. (Five points are added to a passing score for a veteran, or his widow, who served on active duty during wartime, as defined in this amendment, under honorable conditions; ten points are added for a veteran with a compensable disability incurred in the line of duty during wartime. The maximum which can be added is ten bonus points.)

14. Under the amendment, veterans' bonus points would no longer be available for promotional examinations, however. They could be added only to passing grades on entrance examinations and could be used only once in a particular personnel system.

**Not all of these are presently exempt from civil service.

***Could result in removal from or inclusion in the state personnel system in some cases.

15. Veterans' preference would be extended under Amendment No. 2 to include veterans of the Korean and Vietnamese and similar conflicts. Bonus points would be granted to veterans and widows of veterans who served during any declared or undeclared war or other armed hostilities against an armed foreign enemy, or served in any campaign or expedition for which a campaign badge is authorized.

16. The amendment would add a new provision relating to the retention rights of veterans in the event a reduction in work force becomes necessary. In determining length of service for retention rights, eligible veterans could count bonus point time spent in the military service during wartime as defined in this amendment (not to exceed ten years) as well as time spent in the personnel or merit system. Thus a veteran having an equal or greater length of service, including wartime military service, would have retention rights superior to those of another employee who may have been on the job longer but has no wartime military service to add to his total length of service. (Veterans with twenty or more years of military service would not be permitted to take advantage of this retention rights provision.)

Comments:

In 1918, Colorado voters adopted the present constitutional provision relating to the state civil service system. The provision has remained unchanged since its adoption, except for the addition of the veterans' preference section in 1944.

In 1962 the Legislative Committee on Organization of State Government began its study of the organization of the executive branch, including the state civil service system. Over the years, the Civil Service Commission staff, the Colorado Association of Public Employees, and veterans' groups worked with the Committee to recommend constitutional and statutory changes which would improve our state personnel system. In 1968, a draft of a proposed constitutional amendment was prepared for and reviewed by the Committee; final action on the draft was completed during the early part of 1969. Also, during 1969, the Committee on Efficiency and Economy, a group of Colorado businessmen appointed by the Governor to recommend ways and means of improving the operation of Colorado's state government, released its final report suggesting changes in the state's personnel system. The results of these several efforts were incorporated into the provisions of Amendment No. 2.

State Personnel Board and Personnel Director. The constitution presently places the three-member Civil Service Commission in

charge of the operation of the state civil service system. The Commission has two types of responsibilities. On the one hand, it is a policy-making and quasi-judicial body acting as a "watch-dog" to prevent the spoils system from entering into the operation of state government. On the other hand, it is a multi-headed administrative body responsible for carrying out the central personnel function of the civil service system, including recruiting, testing, making appointments, and handling discipline cases. It is difficult for a board or commission to handle both types of responsibilities well. In this case, although they have a staff to assist them, the Commission members have sometimes had to spend too much of their time on the day-to-day workings of personnel administration.

To solve this dilemma, the authors of Amendment No. 2 propose to separate the policy-making, quasi-judicial functions from the administrative functions of the Civil Service Commission, giving the former to the State Personnel Board and the latter to the State Personnel Director. The Board and the Director would both be part of a new Department of Personnel.

State Personnel System. Over 18,000 personnel constitute the classified civil service of the state of Colorado. The constitution provides that they be appointed and receive promotions according to merit demonstrated in competitive examinations. The proposed amendment would not alter this provision. All certified employees and provisionals who have served six months or more would be automatically transferred and certified into the new state personnel system.

As for exemptions, the amendment would in most cases adopt the interpretations given by the Attorney General and the Colorado Supreme Court to the present constitutional provisions. A few additional exemptions are added by the amendment and certain other exemptions could be added by the state legislature, but in general the merit system coverage would remain the same under the new system.

One of the most significant changes incorporated in the proposed amendment is the requirement that the names of the three persons scoring highest on competitive tests for a position be submitted to the appointing authority in the department or division within which the opening occurs. The constitution presently calls for the use of a "rule of one" whereby the person rated highest by testing procedures must be offered the job.

The respective department heads are now responsible for appointing employees within their departments (based on the Civil

Service Commission's certification of the eligible list). Under the amendment, the head of a principal department would appoint only the heads of divisions within his jurisdiction and the employees within his own immediate office. All other employees of a principal department would be appointed by the heads of divisions within the department. In all appointments, the new rule of three under the state personnel system would apply.

The present constitutional provision assigns the Civil Service Commission dismissal and disciplinary authority upon the recommendation of the appointing authority. The proposed amendment continues this responsibility in the hands of the appointing authority, with the State Personnel Board acting only as an appeals body.

Probationary periods would be required under the amendment as a period of job performance evaluation. The proposed amendment would permit the State Personnel Board to establish probationary periods for different classes of positions extending to a maximum of one year for the higher level positions. Colorado does not have formal probationary periods at the present time.

Veterans' Preference. The veterans' preference amendment was adopted in 1944 to assist returning servicemen in obtaining public employment. Most of its provisions would be continued under Amendment No. 2. It applies to merit systems in Denver and other political subdivisions as well as to state personnel systems.

There has been dissatisfaction in recent years that the current provision is not broad enough to cover veterans of the Korean or Vietnamese conflicts. The proposed amendment would extend the provision so that these veterans and veterans of similar conflicts would be covered along with veterans of declared wars such as World Wars I and II.

Another part of the amendment would tighten the restrictions on the use of veterans' preference in competitive examinations for public employment so that veterans could not be given a cumulative advantage. Whereas the five bonus points for eligible veterans (ten for disabled) can now be added on promotional as well as entrance exams, the proposed amendment would permit their use only on entrance examinations and only once in the same personnel system.

A major addition to the veterans' preference section would be the provision for retention preferences in case of a reduction in the number of employees. Military service during wartime up to ten years could be included in computing length of service. For example, if one employee has been employed by the state for ten years,

and a veteran of two years of wartime service has been employed eight years, both in comparable jobs, the veteran with his combined military service and state employment time would be retained in case of a reduction in personnel.

Popular Arguments For:

1. Amendment No. 2 offers a practical approach to providing a modern personnel system for the employees of the state of Colorado. It is designed to improve the state's tools for personnel management, as well as to enhance career employment opportunities based on merit and competence. The amendment would make our 50-year-old civil service system more flexible and up-to-date while retaining the safeguards necessary to prevent the spoils system and protect essential employee rights.

2. By providing for a State Personnel Director who would be responsible for the administration of the personnel system and a State Personnel Board with policy-making and appeal powers, this amendment would establish a stronger framework for the operation of an efficient Personnel Department. According to the principles of effective administration, a multi-member administrative board such as the present Civil Service Commission is a poor managerial device, especially when administrative responsibilities are combined with policy-making and quasi-judicial functions.

3. The amendment recognizes the need for some flexibility in personnel selection in state government. The "rule of three", which allows the appointing authority to choose from among the three top-scoring candidates, is much better than the present "rule of one" which requires that the candidate with the highest score be offered the job first. No testing procedure is sophisticated enough to insure that the person with the highest test score will make the best adjustment to a work situation.

4. Under the amendment, young people under the age of 21 could be hired for state employment without necessity for a waiver. Removal of the requirement that appointees must be "qualified electors of the state" would broaden the base from which state employees can be selected. The one-year residence requirement and the minimum age of 21 could no longer be used to limit the selection of personnel.

5. State employees are not permitted to participate in the selection of members of the present Civil Service Commission. Under Amendment No. 2, two of the five members of the State Personnel Board would be selected by the employees in the state per-

sonnel system. This would guarantee that the interest of the state employees themselves would be represented among the members of the board responsible for setting the policies which affect their employment.

6. The amendment would require all new state employees to satisfactorily complete a probationary period. No appointee could be certified until he had demonstrated his capacity to work on the job. This is a positive way of recognizing the limitations of the testing program and improving the overall quality of the state personnel system.

7. Amendment No. 2 would improve the veterans' preference provisions for state and local personnel systems by eliminating the unfair practice of granting bonus points on promotional examinations. Once a veteran is employed within a personnel system, he should have to demonstrate the same merit and fitness for promotion as any other employee. Under the amendment, a veteran could use his bonus points only once -- on the entrance examination.

8. Veterans of the Korean and Vietnamese and similar conflicts should have the same preferences in public employment as veterans of World Wars I and II. Yet under the present constitutional provision they do not qualify for bonus points. The proposed amendment would extend veterans' preference rights to veterans of Korea, Vietnam, and future armed conflicts, thus eliminating this inequity.

9. Amendment No. 2 would give veterans in public employment an advantage in retention rights by allowing them to apply wartime military service to their length of service for seniority purposes. In many instances, service in the military is time lost from civilian career opportunities. Why should a veteran with two years of wartime service and ten years of state employment be given less consideration in the event of a reduction in the work force than a state employee with ten years and six months of employment?

Popular Arguments Against:

1. The administration of the state personnel system demands the kind of continuity and independence that only distance from political influence can provide. Yet adoption of Amendment No. 2 -- especially if the voters also adopt Amendment No. 1 -- could bring political considerations back into the personnel system. Under the "rule of three", department heads (who would be chosen by the Governor if Amendment No. 1 passes) would have more oppor-

tunity to consider politically related factors in choosing members of their staffs. The possibility of such a major departure from merit system principles should be sufficient reason for rejecting this amendment.

2. Under Amendment No. 2 the Civil Service Commission would be required to relinquish much of its authority over the state's personnel system to the State Personnel Director. Why should the voters endorse a proposal which would weaken the structure and powers of the Civil Service Commission, which has developed an outstanding civil service system for the state of Colorado, in favor of a Personnel Director who (under Amendment No. 1) would be selected by the Governor?

3. With two of the five members of the State Personnel Board elected to represent state employees, it would take only one swing vote to give the employees control over their own salary scales and employment policies, including fringe benefits such as sick leave and annual leave. This could be extremely dangerous in view of the growing militancy of public employees and the active role of already established state employee organizations.

4. The "rule of one" has contributed greatly to the success of the merit system in Colorado. It has helped to assure that state employees will be accepted or rejected solely on the basis of their qualifications and not on other factors. Abolishing the rule of one might work to the detriment of minority applicants, because the appointing authority would be given much greater opportunity to exercise the subtle kind of discrimination that is frequently practiced by employers but is difficult to prove.

5. The proposed "rule of three" is not based on a magical number, nor does it deal with the real issue involved in selecting the best applicant for the job. Instead of limiting choices to the top three, all applicants who make outstanding test scores should be eligible for consideration.

6. Amendment No. 2 provides that all persons who have served as provisional employees for six months or more immediately prior to July 1, 1971 will automatically be certified to comparable positions in the new state personnel system. Although the "grandfather clause" may be appropriate for persons already certified under civil service, it should not be extended to uncertified personnel. As written, the amendment could result in the certification of some persons who have never had to take a competitive examination or go through a probationary period for their jobs. In fact, assuming vacancies were available and budgets permitted, it would be possible for the Civil Service Commission to certify and approve the

filling of positions on a provisional basis after adoption of this amendment with the knowledge that the persons hired would automatically become certified employees next July 1 without examination or probation. This is unfair to the majority of state employees who have had to meet stiff requirements and submit to competitive examinations for their positions.

7. Veterans' preference on promotional examinations should be continued as an obligation to those who interrupted their careers for military service. Bonus points for veterans should not be limited to entrance examinations as provided in the amendment.

8. If we really want a modernized state personnel system based solely on merit, we should eliminate the veterans' preference provisions altogether. Certainly we should not be adding a totally new category -- retention rights -- to the advantages already granted veterans. The new provision on retention rights constitutes another major departure from the merit system concept and should be rejected.

9. Amendment No. 2 is silent on the subject of collective bargaining rights for public employees. Any constitutional revision of the provisions relating to the state's personnel system should face squarely the question of how employee bargaining is to be handled. In the absence of any constitutional provision on the subject, public employee unions may be placed at a disadvantage in their attempts to establish guidelines for organization, certification, and bargaining.

10. The amendment contains too many specific details which would be better left to the state legislature. Spelling out operational details in the constitution imposes undesirable rigidity on the legislature and the personnel system. A more brief and more general constitutional statement of merit system principles would be much more satisfactory.

AMENDMENT NO. 3 -- LOCAL GOVERNMENT REFORM

Provisions:

Amendment No. 3 would revise several provisions of the Colorado Constitution relating to local government. New sections would be added on home rule and service authorities. The effective date of the amendment would be January 1, 1972. The interpretation and ultimate effect of many of the provisions of the amendment would depend on the nature of the implementing legislation agreed upon by the state legislature.

1. The amendment would permit the state legislature to provide for the organization, structure, functions, services, facilities, and powers of "service authorities" to meet governmental needs on a regional basis. A service authority could only be formed upon the approval of the electors of the area to be included in the authority. Once formed, a service authority would be a political subdivision of the state and might be utilized for any number of governmental functions authorized by statute and (except for certain functions already provided regionally) approved by a majority vote of the people in the included portions of each affected county.

2. A service authority could include all or part of any county or adjoining counties, but no territory could be included in more than one service authority. No municipality could be split and no enclave could be created. (In the Denver metropolitan area any service authority formed would have to include all of Denver and at least portions of Adams, Arapahoe, and Jefferson counties.) Statutory procedures would be developed by the state legislature for the determination and changing of boundaries, the inclusion and exclusion of territory, merger of adjacent service authorities (which would require a majority vote in each affected authority), dissolution, the payment of election expenses, and the terms and conditions under which succession to certain rights, properties, assets, and obligations of other political subdivisions might take place.

3. For the first five years or until January 1, 1980, whichever occurs first, members of the governing body in any service authority would be elected by the voters from among the mayors, councilmen, trustees, and county commissioners of the entities included in the authority. The state legislature would establish election procedures and terms and qualifications for members of subsequent governing bodies. Members would be elected from compact districts of approximately equal population. The legislature could

provide for election of members by a vote of each compact district or by an at-large vote, or a combination thereof.

4. A service authority could provide -- exclusively or concurrently with other jurisdictions -- any functions, services, and facilities which are designated by statute. In most cases, a majority vote of the electors would also be required. If the authority includes territory in more than one county, majority approval from each affected county would be necessary before any new function, service, or facility could be established. However, the state legislature could adopt legislation permitting one or more service authorities to assume a function, service, or facility without a vote of the electors where such function, service, or facility is already being provided in at least four counties or portions of counties by a single special district, regional planning commission or metropolitan council, or an association of political subdivisions. Further, no vote of the electors would be required for a service authority to contract with another political subdivision to receive (or provide) a statutorily designated function, service, or facility as long as the contract did not involve the imposition of any tax by the service authority.

5. Under the amendment, the state legislature could provide for the terms and conditions under which a statutory or home rule county, municipality, or quasi-municipal corporation, or any combination thereof, might succeed to the rights, properties, assets, and obligations of any quasi-municipal corporation located partially or entirely within its boundaries.

6. The amendment would enable the voters of any county to adopt a home rule charter providing for the organization and structure of county government in their county. A county having a home rule charter would be free to establish its own form of county government, including the number, terms, qualifications, duties, compensation, and method of selection of county officers and employees. The state legislature would establish the necessary procedures for adoption, amendment, and repeal of county home rule charters. No such charter could take effect without approval by county voters. One method of initiating a vote on home rule in a county would be by petition of not less than five percent of the qualified electors of the county. Other methods could be established by the legislature.

7. A county home rule charter could provide for "structural" home rule only; it would not include the kind of "functional" home rule possible under municipal charters. Determination of county powers and duties would remain in the hands of the state legislature. Statutes relating to functions, services, and facil-

ities to be provided by home rule counties would differentiate between "mandatory" powers and "permissive" powers.

8. Amendment No. 3 would permit the state legislature to provide procedures for local units of government, including service authorities, to establish "special taxing districts". Methods for determining and changing the boundaries of such taxing districts would be provided by statute.

9. The amendment would remove constitutional limitations on the powers of state and local governments to enter into cooperative or contractual arrangements with one another, with the federal government, or with private entities for the provision of legally authorized functions, services, or facilities. Agreements among governmental units could include the sharing of costs, the imposition of taxes, or the incurring of debt, and, if authorized by statute, the cooperating or contracting political subdivisions could participate voluntarily through a separately established governmental entity. Functions, services, or facilities contracted from private persons, associations, or corporations could be provided outside as well as inside the boundaries of the contracting local government unit.

10. Under Amendment No. 3, nothing in the state constitution could be construed to prohibit legislation providing for state-imposed and collected taxes to be shared with and distributed to political subdivisions. This would permit the simplification of the state and local tax structure by removing constitutional restrictions on state-collected and locally-shared taxes.

11. Further, nothing in the constitution could prevent legislation authorizing the state (or any political subdivision) to give direct or indirect financial support to any political subdivision. Under this provision there would be no question about the state legislature's authority to develop a system of state aid to local governments.

12. Amendment No. 3 would extend the right of municipal home rule to all municipalities regardless of population, period of incorporation, or other limitation. A vote on home rule could be initiated by municipal ordinance or by petition of not less than five percent of the qualified electors of the existing (or proposed) municipality. No municipal home rule charter could take effect without approval by a majority of those voting thereon. A new city or town could acquire home rule status at the time of its incorporation.

13. The amendment would authorize the state legislature to establish new statutory procedures for the adoption, amendment,

and repeal of municipal home rule charters. Procedures presently provided in Article XX of the constitution would continue to apply, but only until superseded by statute.

14. The constitutional provisions governing local government indebtedness would be rewritten in simplified form. The amendment would retain the requirement that general obligation indebtedness be approved by a vote of the qualified taxpaying electors (the term "qualified taxpaying elector" to be defined by statute), but a municipal home rule charter could deviate from this requirement. Constitutionally prescribed debt limitations for cities and counties would be replaced with statutory limitations. The state legislature would have the responsibility for establishing debt limitations for all political subdivisions (except as might be otherwise provided in a municipal home rule charter). Action by a political subdivision contracting a general obligation debt would be irrevocable until the debt is fully repaid by taxes or other revenues. The purposes for which the funds are to be raised would have to be specified, but there would be no constitutional restrictions on the purposes for which debt can be incurred. Debts contracted by municipalities and service authorities for the purpose of supplying water would continue to be exempted from constitutional debt restrictions.

15. Amendment No. 3 would remove the constitutional requirement that terms of office for statutory local government officers be no longer than two years. Terms would be prescribed by law.

Comments:

In 1963, the state legislature authorized the Governor to appoint a 100-man study commission to review the problems of local government in Colorado. In September of 1965, this Governor's Local Affairs Study Commission submitted preliminary recommendations (calling for major state constitutional reform in regard to local government organization, powers, and provision of services. For at least four sessions (1966 through 1969), the state legislature was involved in an intense debate as to the best approach to take in order that local government could be structured to meet the needs of people, particularly in metropolitan areas. In May of 1969, Amendment No. 3 gained more than the necessary two-thirds approval in both houses for submission to the voters.

Needless to say, Amendment No. 3 is a compromise; a moderate approach to the constitutional needs of local government. The amendment would retain and strengthen the basic county and municipal structure of local government, as well as permit regional or

metropolitan government services by a new mechanism -- the service authority. The constitution would be "unlocked" as it relates to many aspects of local government but most of the details of implementation would be left to the state legislature and the people.

Service Authorities. Although the service authority concept could be developed throughout the entire state, the major thrust of this proposal is to meet the needs of the Denver metropolitan area. In the four-county area -- Adams, Arapahoe, Denver, and Jefferson -- there are over 200 local governmental units. Under the amendment, the state legislature could vest exclusive jurisdiction with the service authority for the provision of certain services, provided the voters approve the proposal developed by the legislature. Thus it could be possible for a service authority to provide services now provided by a number of separate governmental units.

Service authorities could also be formed in other parts of the state, including the smaller counties where regional services are needed to meet the growing demands of visitors on weekends and holidays.

Counties. For all counties in Colorado, regardless of size, the constitution requires the election of the county commissioners and the clerk, assessor, treasurer, sheriff, coroner, and surveyor. (Denver, as a city and county, is not subject to this requirement.) The amendment would permit counties to abolish or consolidate some of these offices, shorten the ballot by providing for appointment rather than election in some cases, or otherwise modernize the structure of county government. This "structural" home rule would give counties the authority to determine the type of administrative arrangement which is most economical and best suited to their particular jurisdiction. Counties would not have "functional" home rule, however -- that is, they would continue to provide the services required by the state but could not initiate services that were not authorized by law.

Municipalities. Article XX of the state constitution now provides procedures for cities of 2,000 population or more to adopt home rule charters. The amendment would allow the state legislature to provide simplified procedures for all cities and towns, as well as the City and County of Denver, to adopt, amend, or repeal home rule charters.

Intergovernmental Relations. Both the state and federal governments have assisted local communities in meeting the needs of people. Amendment No. 3 would permit greater state participation through state grants-in-aid to local communities. In addition,

state-collected, locally-shared taxes, permitted under Amendment No. 3, would reduce the complexity of the state and local tax structure, cutting costs of administration and reducing the burden of tax reporting for individuals, commerce, and industry.

Two provisions of the amendment which could be of special importance to communities are: (1) clarification of the right of local governments to contract with other governmental entities, and (2) the possibility of the state legislature authorizing local governments to establish special taxing districts. Thus counties or service authorities could provide the kinds of area services now performed by two or more separate special districts.

Debt. Under Amendment No. 3 the constitutional limitations for debt for counties and cities would be eliminated, and in lieu thereof the state legislature would be required to place statutory limitations on incurrence of debt. Unlike other local units of government, however, home rule cities could continue to provide debt limits in their charters rather than using the limit established by the state legislature.

Terms of Office. The amendment would repeal the constitutional provision limiting terms of municipal officials in non-home rule municipalities to two years.

Popular Arguments For:

1. Amendment No. 3 would strengthen Colorado's local governmental structure. It would remove several constitutional limitations relating to local government, thus giving the state legislature the flexibility needed to deal effectively with local government problems. It would open the way for better regional cooperation and regional leadership through the establishment of regional service authorities in the Denver metropolitan area and elsewhere in the state. Further, it would lead to greater local autonomy by granting structural home rule to all counties and extending structural and functional home rule to smaller municipalities, regardless of size. All of these changes would help our state move in the direction of stronger and more effective government at the local level.

2. The hodgepodge of local governmental units, particularly in the Denver metropolitan area, simply does not provide an appropriate governmental mechanism for dealing with regional problems. Amendment No. 3 would give local voters an opportunity to adopt a regional approach to local government without completely disrupting the existing framework of municipal and county government.

The regional government (service authority) proposed could only be established with the support of a majority of the residents to be included, and no new regional service or function could be forced upon the residents of any service authority without majority approval from the affected portion of each included county.

3. This amendment would allow counties to adopt structural home rule. The provision for county structural home rule is an attempt to allow and encourage the solution of county structural problems by citizens at the local level without state-imposed restrictions. Voters would be given the right to combine or eliminate some county offices and otherwise reorganize the structure of their county governments to fit their own local needs, thus presenting an opportunity to achieve better government at lesser cost. It makes little sense for a county with less than 500 population to have the same organization and elect the same number of officials as counties with population in excess of 100,000 persons, for example.

4. Amendment No. 3 would modernize constitutional provisions relating to municipal home rule. Small municipalities under 2,000 population would be given the power to adopt municipal home rule charters, a power they have never had before. Also, the state legislature under the amendment could facilitate procedures for the adoption, amendment, and repeal of municipal home rule charters.

5. The amendment would repeal the constitutional provision limiting elected officials in statutory cities and towns to two-year terms, making possible, if provided by the state legislature, four-year or other overlapping terms. This would encourage more continuity in local government and allow municipal officials to obtain more expertise and knowledge of governmental problems and would remove a possible deterrent to individuals seeking election to municipal office.

6. The provision in the amendment allowing the formation of taxing districts would enable basic governmental units such as cities and counties to provide neighborhood services, financed by the residents, without the necessity of creating additional special district governments.

7. Constitutional roadblocks for revenue sharing and inter-governmental contracts would be eliminated by the amendment, thus permitting more efficient and less costly methods of providing governmental services. Other outdated restrictions on effective local government would also be eliminated.

8. The debt limits contained in the constitution were established during a period when inflation, demands for governmental

services, population growth, etc., were far different from the problems of today. For these reasons, there needs to be more flexibility in establishing realistic debt limits. Under the proposed amendment, adequate safeguards for debt limits would be provided by both the state legislature and the charters of home rule cities and towns.

Popular Arguments Against:

1. The need for local governmental reform, especially a reduction in overlapping and competing tax jurisdictions, goes far beyond the solutions proposed in this amendment. The amendment portends to solve these problems, but in reality the proposal may ultimately serve to strengthen and perpetuate an inadequate structure. Furthermore, the amendment might lead to the addition of another layer of government to a framework in which too many taxing jurisdictions already exist.

2. There is no guarantee in this amendment that the service authority concept that is supposed to provide a mechanism for meeting regional needs will ever come to fruition. The legislature may be unable to agree upon the major legislation necessary to carry out the full intent of the amendment. Further, the requirement for majority approval from the affected residents of each included county would, in essence, provide a given community or a small minority with a veto power over certain new regional functions, services, or facilities even though the vast majority of persons in the region support the proposal.

3. The language of the amendment is in some cases unclear, making it difficult for the voter to know the effect of the proposal on which he is voting. Some portions are extremely complex and limit certain sections of the constitution without repealing those sections, suggesting the possibility of lengthy litigation. One example where the amendment is not explicit is in authorizing the state legislature to permit the establishment of special taxing districts without stating the kinds of taxes which could be imposed.

4. The amendment does not attempt to provide equal treatment to local governments. All municipalities would be given authority to control their own affairs, both structural and functional, and to enact legislation on matters of local concern. Citizens living in unincorporated areas, however, would have no constitutional guarantee for the same functional home rule opportunities. County structural home rule would not be enough to provide the substantive local control available to cities. Since for many

rural residents incorporation is not feasible because of the sparsity of population, the structural home rule for counties would not be enough to enable unincorporated communities to solve specific problems; reliance on the state legislature for the granting of functional powers would still be necessary.

5. The purpose of local government is to provide services that are matters of local concern. In matters of state concern -- highways, education, and social services -- the state is providing substantial funds to local communities. Further expansion of state aid and shared taxes, as permitted by the amendment, would only tend to undermine the very foundation of home rule being advocated in other parts of the proposal.

6. There is danger in establishing only one "super authority" to handle all regional functions, especially in the Denver metropolitan area. The expertise required to carry out one type of service well might not be at all suited to other functions for which the service authority might be responsible. Transportation, for example, might involve different boundaries and different considerations from water or police protection. The amendment would permit only one service authority in any given area. This provision could easily lead to the creation of an unmanageable governmental unit attempting to do too many things for too many people.

7. It is poor policy to require in the constitution that the first governing board for any service authority be comprised of mayors, councilmen, trustees, and county commissioners. This should be a matter for legislative determination, not a detail to be included in the constitution. Further, it is unwise to limit the board for the first five years to persons whose vested interests in their own political subdivisions may undermine the goals of the service authority concept. Some members with regionwide concern should be included at the outset.

AMENDMENT NO. 4 -- 19-YEAR OLD VOTE;
VOTER RESIDENCY REQUIREMENTS

Provisions:

Amendment No. 4 would:

1. Extend to 19- and 20-year-old persons the right to vote in all elections in the state of Colorado after July 1, 1971.
2. Provide that persons having the right to vote shall be deemed to have attained adulthood, and shall have all the rights, privileges, liabilities, responsibilities, and duties of adults, as provided by law.
3. Lower the basic Colorado voter residency requirement from one year to six months, effective July 1, 1971.
4. Attempt to permit the state legislature to provide a shorter residency requirement for voting for United States Senators and Representatives in Congress as well as for presidential and vice-presidential electors.

Comments:

Voting age. The present voting age in Colorado is 21. Estimates show that there are about 72,000 young people in the state aged 19 and 20. Based on present voter registration trends, 61,000 newly registered voters would be added to the electorate if the voting age is lowered to 19 as proposed in Amendment No. 4. This is approximately six percent of the state's total voter registrations for persons 21 and over.

Four states now have a voting age lower than 21: Georgia and Kentucky, 18; Alaska, 19; and Hawaii, 20. Adoption of the lower voting age took place in 1943 in Georgia; 1955 in Kentucky; and 1959 (the beginning of statehood) in Alaska and Hawaii. All of the more recent attempts to lower the voting age in other states have failed. The question of lowering the voting age will be on the ballot in at least thirteen states (besides Colorado) during 1970.

In June of this year the United States Congress adopted a statute lowering the voting age to 18 in all states effective January 1, 1971. If this act is upheld in the courts, it will supersede state-established voting ages and set 18 as the uniform

voting age for all national, state, and local elections. Extensive litigation is expected before the constitutionality of this provision is finally determined. There is a question whether Congress has the power to set voting ages by statute without an amendment to the federal constitution. Thus, until the federal act establishing a uniform 18-year-old voting age is determined to be valid and binding, there is still reason for the states and their voters to continue setting their own minimum voting ages (up to age 21) to apply in the event the new federal requirement is declared unconstitutional.

Residency requirements. Amendment No. 4 would lower Colorado's state residency requirements for voting as shown on page 27. It is estimated that lowering the basic state residency from one year to six months would result in the addition of approximately 4,500 new voters.

Although the amendment attempts to permit the state legislature to establish a shorter residency requirement for voting for candidates for the United States Senate and House of Representatives, the United States Constitution does not permit implementation of this provision. Under the United States Constitution, the residency requirement for voting for members of Congress must be the same as for voting for members of the Colorado House of Representatives, which under Amendment No. 4 would be six months.

Popular Arguments For:

1. Amendment No. 4 would assure that the right to vote is extended at least to 19- and 20-year-olds in the state of Colorado by July 1, 1971 even if the new federal law establishing 18 as the uniform voting age in all states is declared invalid or is later repealed. Today's 19- and 20-year-old young people are entitled to vote as full-fledged participants in our democratic system of government. In most cases they have completed high school and have entered the adult world, either through full-time employment, military service, or continued education in preparation for a future career. Some have taken on the responsibilities of marriage and family. Why shouldn't these young people have the right to vote when the candidates and issues involved will affect their lives just as deeply as the lives of persons 21 and over?

2. The arbitrary voting age of 21 does not make sense any more. Television and other news media, plus improved and accelerated education in our schools, have lowered the age of awareness. High school and college students are better informed and show much

Basic State Residency Requirements*

<u>Voting For:</u>	<u>Present Provisions</u>	<u>Proposed Amendment No. 4</u>
Presidential and Vice-Presidential Electors.	State constitution requires 1 year in the state but allows state legislature to establish lesser requirement. (Present statutory provision is 32 days.)**	Constitutional requirement would be lowered to 6 months and state legislature could still establish lesser requirement.**
2 United States Senators and 4 Representatives in Congress.	State constitution requires 1 year in the state.	Constitutional requirement would be lowered to 6 months.***
Candidates and Issues in State, County, Municipal, School District, and Special District Elections.	State constitution requires 1 year in the state.	Constitutional requirement would be lowered to 6 months.

*The present state constitution gives the state legislature authority to establish county, city, town, ward, and precinct residence requirements. Proposed Amendment No. 4 would authorize only county and precinct requirements.

**The new federal statute lowering the voting age to 18, as discussed above, would also lower residency requirements for voting for presidential and vice-presidential electors in all states to 30 days, effective January 1, 1971. The courts will make the final decision as to whether Congress can impose such requirements on the states in the absence of an amendment to the federal constitution.

***The proposed amendment attempts to permit the state legislature to establish a lesser residency requirement for voting for members of Congress, but this would not be permitted under the United States Constitution.

more interest in and concern over elections than we would have thought possible only a few years ago. Many have given of their time and energies in political campaigns even though they themselves were denied the right to vote. It is no longer valid to argue that those under 21 lack the background and knowledge to participate in the political process. Nineteen-year-olds today are as prepared to vote as 21-year-olds.

3. To deprive young people of the right to vote is to increase their sense of helplessness, frustration, and disillusionment in relation to the rest of society. These feelings can be observed in campus demonstrations and violence across the country as well as in the hopelessness, apathy, and alienation so evident among certain segments of the youthful community. Lowering the voting age is one way of demonstrating that we are willing to trust and listen to young people, even when they are expressing new and different points of view. This could convince the young that involvement and achievement within the system are possible, and thus might help direct their energies into more productive channels.

4. One-half the people in the United States are 27 years of age or younger. This younger half of the population is grossly underrepresented in elections. Adding the 19- and 20-year-olds to the voting group would reduce the imbalance and help make the electorate more reflective of the age distribution of our population.

5. The age for registration for the military draft is 18 and a man whose number is chosen in the lottery is called at age 19, yet the voting age in Colorado is 21. When the government has determined that a man is mature enough to go to war and give his life for his country, how can we deprive him of the right to participate in that country's policy-making by denying him the right to vote? If he is old enough to fight, he is old enough to vote.

6. Opinion polls indicate that there is a great deal of public support for lowering the voting age. Numerous public figures from both major political parties have expressed approval of the change, indicating their confidence that it would not result in any major upset in the political system. Studies have shown that young people are just as divided as their elders when it comes to political parties, candidates, and issues. Four states have already lowered the voting age with little fanfare and without detrimental effect. There is no reason to fear drastic changes in Colorado as a result of the 19-year-old vote.

7. Young people are interested in the political process at age 18. Giving them the right to vote at age 19 would help keep

up a continuing interest and might avoid the development of a lasting indifference stemming from the fact that they are kept from voting during the years when their interest and concern might otherwise be at its peak. By offering the vote at a more appropriate age, we might be able to raise the percentage of participation among all those eligible to vote.

8. Reduction of the one-year Colorado residency requirement for congressional, state, and local elections is long overdue, and even if the federally established 18-year-old voting age is upheld to apply in all states, passage of Amendment No. 4 is still needed to lower state residency requirements. Six months is a reasonable state residence to ask of voters in congressional, state, and local elections. Colorado is a growing state, and with so many new residents who are concerned about state and local affairs, the present one-year requirement is too restrictive. On the other hand, new residents need more than three months to become thoroughly familiar with in-state problems. The six-month residency requirement assures sufficient time for new residents to learn about local issues, but does not restrict their participation at the state and local levels for an unnecessary or unreasonable length of time.

Popular Arguments Against:

1. If the federally established 18-year-old uniform voting age is declared invalid by the courts, Colorado would still be able to keep the voting age at 21 by rejecting this amendment. It is important that the voters of this state exercise their prerogative to retain the voting age at 21 if Congress' action is found to be an unconstitutional encroachment on states' rights in election matters.

2. Amendment No. 4 unequivocally grants 19- and 20-year-olds the right to vote but does not clearly require that they be fully responsible adults in other ways. The amendment only states that they shall have all the rights, privileges, liabilities, responsibilities, and duties of adults, as provided by law. There is no guarantee that the state legislature would adopt laws implementing this portion of the amendment. It appears, for example, that until the legislature provided to the contrary, a 19-year-old could still use his age to disclaim liability on certain contracts. Any constitutional provision giving 19-year-olds the right to vote should require, in return, that they take on all the liabilities of adulthood and give up the legal protections they have enjoyed in the past because of their age. This amendment fails to make any such requirement.

3. Those who contend that a man who is old enough to fight is old enough to vote have chosen a poor analogy. It must be pointed out that voting involves attributes of an entirely different nature from service in the armed forces. A young man may meet all the requirements for being an excellent soldier without having reached the state of maturity most adults believe is needed for voting.

4. Voter sentiment -- in most of those states where the question has been on the ballot -- has been overwhelmingly opposed to lowering the voting age. Proposals in nine states have been defeated at the polls in the last five years, and legislatures in a number of other states have declined to place the question on the ballot. When faced squarely with the responsibility for making the decision, the people have concluded that it would be a mistake to lower the voting age from 21.

5. Young people 19 and 20 years old are not ready for the vote. They are neither mature enough nor responsible enough to be entrusted with a right as precious as the right to vote. Many adults believe the actions of some young people in campus riots and demonstrations indicate an unwillingness on the part of the young to accept the responsibility of full participation as citizens in our society. Requiring them to wait until age 21 to vote is wise because it gives them time to settle down, acquire some degree of maturity, and begin to understand the need for approaching problems on a more practical and realistic basis.

6. In political matters especially, young people today are too emotional, hot-headed, and susceptible to demagoguery to make good voters. We should guard against diluting the electorate by adding 19- and 20-year-old voters who are inclined to be politically unsettled, unpredictable, and unreliable. Such a move could upset the relative stability with which our political system has operated for so many years.

7. The voting age question is now a national issue. Congress has undertaken to establish 18 as the uniform voting age for all states. Even if the current federal statute is thrown out by the courts, the proposal will probably be submitted to the states in the form of a proposed amendment to the United States Constitution. If a uniform 18-year-old voting age for all states is in the offing, we may as well avoid confusion by rejecting this attempt to establish the 19-year-old vote for Colorado.

8. Apart from the voting age provision, this amendment should be rejected because it would lower residency requirements. A full year of residence in the state is still essential to in-

formed voting in congressional, state, and local elections. Since a shorter residency is already provided for voting in the national election for president, there is no need to lower the one-year residency requirement for other elections. Congressional, state and local elections should be decided by permanent residents who have a stake in the outcome, not by persons who are new to Colorado and have only a superficial and short term knowledge about the candidates and the issues.

9. Another reason for rejecting this amendment is the fact that no effect can be given to the provision permitting the state legislature to establish a residency requirement of less than six months for voting for United States Senators and Representatives. It would be poor policy to clutter up our state constitution with misleading and confusing language that can never be implemented.

AMENDMENT NO. 5 -- VOTER RESIDENCY
REQUIREMENTS; VOTING BY RESIDENTS
ON FEDERAL PROPERTY

Provisions:

Amendment No. 5 would:

1. Lower the basic Colorado voter residency requirement from one year to three months.
2. Attempt to permit the state legislature to reduce the residency requirement for voting for United States Senators and Representatives as well as for presidential and vice-presidential electors.
3. Guarantee that no person otherwise qualified to vote under the constitution and laws of this state could be denied the right to vote merely because he resides on land which is under federal jurisdiction.

Comments:

Residency requirements. Amendment No. 5 would lower Colorado's state residency requirements for voting as shown on page 33. It is estimated that lowering the basic state residency from one year to three months would result in the addition of approximately 6,750 new voters.

Although the amendment attempts to permit the state legislature to establish a shorter residency requirement for voting for United States Senators and Representatives, the United States Constitution does not permit implementation of this provision. Under the United States Constitution, the residency requirement for voting for members of Congress must be the same as for voting for members of the Colorado House of Representatives, which under Amendment No. 5 would be three months.

Voting by residents on federal property. Amendment No. 5 provides that the mere fact that a person lives on federally owned land will not keep him from voting in Colorado, if he meets the other voting requirements such as citizenship, age, length of residence, and intention to reside in this state.

The people most likely to be affected by this provision are the permanent-type residents who live on federal property and do not

Basic State Residency Requirements*

<u>Voting For:</u>	<u>Present Provisions</u>	<u>Proposed Amendment No. 5</u>
Presidential and Vice-Presidential Electors.	State constitution requires 1 year in the state but allows state legislature to establish lesser requirement. (Present statutory provision is 32 days.)**	Constitutional requirement would be lowered to 3 months and state legislature could still establish lesser requirement.**
2 United States Senators and 4 Representatives in Congress	State constitution requires 1 year in the state.	Constitutional requirement would be lowered to 3 months.***
Candidates and Issues in State, County, Municipal, School District, and Special District Elections.	State constitution requires 1 year in the state.	Constitutional requirement would be lowered to 3 months.

*The present state constitution gives the state legislature authority to establish county, city, town, ward, and precinct residence requirements. Proposed Amendment No. 5 would authorize only county and precinct requirements.

**A new federal statute would lower residency requirements for voting for presidential and vice-presidential electors in all states to 30 days, effective January 1, 1971. The courts will make the final decision as to whether Congress can impose such requirements on the states in the absence of an amendment to the federal constitution.

***The proposed amendment attempts to permit the state legislature to establish a lesser residency requirement for voting for members of Congress, but this would not be permitted under the United States Constitution.

not have mere temporary military assignment in Colorado. It is difficult to estimate the number who fit in this category. County election officials have suggested that the greatest impact would be in El Paso County, where possibly a thousand or more new voters could qualify. In other counties relatively few new voters would be expected.

A June, 1970 ruling of the United States Supreme Court has declared that it is a violation of the United States Constitution for a state to deny the vote to persons merely because they live on federal installations. This proposed amendment appears to be in accord with that decision.

Until the Supreme Court ruling, many people living on federal property had been uncertain of their voting status. If they wished to pursue their right to vote, they had to first raise the issue with the county clerk (who might or might not decide they were entitled to vote), then go to the Attorney General for an opinion as to the jurisdictional status of their particular area, and as a last resort (as in the case of Fort Lyon a few years ago), go to Congress for a special bill changing the type of federal jurisdiction involved.

Amendment No. 5 was designed as an attempt to eliminate the need for all this trouble and confusion over voting for persons living on federal property. It would clearly establish the policy of the state that residence on federal property is not a valid basis for denial of voting rights in Colorado.

Relationship to Amendment No. 4. If the voters approve both Amendment No. 5 and Amendment No. 4, effect could be given to both. The result of passage of both amendments would be the acceptance of the 19-year-old vote and a residency requirement of three months for voting in congressional, state, and local elections. Voting rights for persons living on federal property would be specifically guaranteed by the state constitution.

Popular Arguments For:

1. The state of Colorado should bring its voter residency requirements up to date. The present one-year state residency requirement is much too long. Since most election publicity is centered on the last two months preceding the election, the ordinary voter will have taken little or no interest in candidates and issues before then. Thus a person who has lived in Colorado three months can learn as much about the upcoming election as one

who has lived here a year. Amendment No. 5 quite appropriately proposes that we grant the three-month resident the right to vote in all elections, including those which affect his property, his schools, his community, and his state.

2. Amendment No. 5 offers an alternative to the package proposed in Amendment No. 4. It is not necessary to accept the 19-year-old vote in order to establish more realistic state residency requirements. Under Amendment No. 5, voter residency restrictions can be eased without lowering the state's minimum voting age. Persons opposing the 19-year-old vote can still support the immediate lowering of voter residency requirements by choosing Amendment No. 5 and rejecting Amendment No. 4.

3. No citizen should be denied the right to vote merely because he lives on property owned by the federal government. Yet in some instances, citizens serving their country in a military or other capacity have been denied voting rights. This has happened in Colorado in the past, but the recent U.S. Supreme Court decision will require changes in this practice. Adoption of Amendment No. 5 would reinforce the Supreme Court decision in Colorado by inserting a constitutional guarantee that no one can be denied the right to vote in this state because of residence on federal property.

4. The voting status of persons living on federal land in Colorado has in the past depended on the type of jurisdiction the federal government exercises over the property involved. Not only has this been confusing to the residents and election officials, but it has produced unfair results. While some federal residents have been given the right to vote in Colorado, others have been denied the right. Amendment No. 5 would follow the mandate of the Supreme Court to remove these discrepancies and simplify voting procedures in Colorado by granting voting rights to all otherwise qualified federal residents, regardless of the jurisdictional status of the federal property on which they happen to live.

5. Under the provisions of Amendment No. 5, the franchise would be extended only to those federal residents who otherwise meet the requirements of law for voting. Temporary military people and others who vote elsewhere by absentee ballot would not qualify. Basically, only persons who consider Colorado their home would be eligible, and there is no reason to believe that federal residents who expect to stay in Colorado, who pay taxes here, and who take an active part in the life of the community would not cast their votes just as responsibly as their counterparts who live on private property.

Popular Arguments Against:

1. A state constitutional amendment is no longer necessary to give residents on federal property the right to vote. The U.S. Supreme Court has ruled on this point already and there is no need to add the provision to the state constitution.

2. The only portion of Amendment No. 5 which has any real effect now is the language reducing the state voter residency requirement to three months. The amendment should be rejected on the basis of the undesirability of this proposed change. This is the issue which would affect all voters in all parts of the state, and could have a far-reaching and disruptive effect on the outcome of future elections.

3. Twelve, or at least six, months of residence in the state are still essential to informed voting in congressional, state, and local elections. Since a shorter residency is already provided for voting in the national election for president, there is no need to lower the residency requirement to three months for other elections. Congressional, state, and local elections should be decided by permanent residents who have a direct interest in the outcome, not by persons who are new to Colorado and have only a superficial and short term knowledge about the candidates and the issues.

4. Another reason for rejecting this amendment is the fact that no effect can be given to the provisions permitting the state legislature to establish a residency requirement of less than three months for voting for United States Senators and Representatives. It would be poor policy to clutter up our state constitution with misleading and confusing language that can never be implemented.

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