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The Colorado Constitution

Dicta Editorial Board

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supreme court shall issue and transmit to the clerk of the trial court a writ of error commanding that a correct transcript of the record of the case be certified to the supreme court within 60 days from the receipt of such writ, or within such additional time as the supreme court may order. Where the record is filed at the time of the docketing, the clerk of the supreme court shall issue a writ of error and shall file the same with the record of the case. (Part new and part from Supreme Court Rule 19.)”

RULE 115

“(i) *Number of Copies to Be Filed and Served.* One original copy of every typewritten brief and typewritten abstract, and one original copy of every motion shall be filed. Two copies of each printed brief, abstract, or other printed paper, and one copy of each typewritten paper shall be served on all parties, and proof of service filed with the clerk. No such service shall be required upon a defendant in error who has not entered his appearance in the supreme court as stated in the summons to hear errors, but in lieu of such service one additional copy of each such paper shall be filed. (From Supreme Court Rules 38 and 46.)

NOTE

“For service see Rule 5. See also subdivisions (a) and (b) of this Rule 115.”

THE COLORADO CONSTITUTION

On January 2 a luncheon was held at the Olin Hotel for the incoming General Assembly of Colorado. At that time it was addressed by William W. Grant, Edward L. Wood, Allen Moore, and Philip S. Van Cise on the necessity for a constitutional convention for Colorado.

Mr. Moore gave the history of the constitution; that it was adopted in 1876 and there had been no constitutional convention since that time, although there had been many amendments.

Mr. Wood stressed the judiciary. He advocated the abolition of the county courts and the incorporation of their work in the district court; a permanent chief justice rather than the rotation of the office each two years; that the judiciary be non-political and chosen by some selective method to insure tenure in office of competent non-political judges.

Mr. Van Cise advocated the short ballot with the election of not more than governor, lieutenant governor and auditor for state offices; the elimination of many county officers and their appointment by the county commissioners; a four-year term for state and county officers; four-year terms for members of the house and six-year terms for members of the senate, with a proportionate share of these being elected every two years.

All four recommended that the present legislature pass a joint resolution submitting to the people a call for a constitutional convention.

All four also advocated that at the same time there be submitted an amendment to Article XIX of the constitution which pertains to the calling of a constitutional convention so that instead of having two members for each senatorial district there would be only one; that the members of the constitutional convention be selected by a board of five instead of having it elective and thus putting off the calling of a convention to 1949 instead of 1947.

Their suggestion as to the proposed amendment to the constitutional convention Article is as follows (the amended portions are in brackets) :

“The general assembly may at any time by a vote of two-thirds of the members elected to each house, recommend to the electors of the state to vote at the next general election for or against a convention to revise, alter and amend this constitution; and if a majority of those voting on the question shall declare in favor of such convention, the general assembly shall, at its next session, provide for the calling thereof. [The number of members of the convention shall be the same as that of the senate, and they shall be selected from the same districts. They shall be appointed by a board of five members, which board shall serve without pay. Two members of the board shall be the governor and chief justice who are in office on the succeeding January 15th after a constitutional convention is ratified, and the other three members shall be elected on or before said January 15th, by the general assembly, by majority vote, in joint session, and shall consist of one representative of labor, one of agriculture and one of business, provided that not more than three members of the entire board of five shall belong to the same political party.] The general assembly shall, in the act calling the convention, designate the day, hour and place of its meeting; fix the pay of its members and officers, and provide for the payment of the same, together with the necessary expenses of the convention. Before proceeding, the members shall take an oath to support the constitution of the United States, and of the state of Colorado, and to faithfully discharge their duties as members of the convention. The qualifications of members shall be the same as of members of the senate; [vacancies occurring shall be filled by appointment by the board.] Said convention shall meet within three months after [such appointment] and prepare such revisions, alterations or amendments to the constitution as may be deemed necessary; which shall be submitted to the electors [either as an entire constitution or in parts for their ratification or rejection at an election called] by the convention for that purpose, not less than two nor more than six months after adjournment thereof; and unless so submitted and approved by a majority of the electors voting at the election, no such revision, alteration or amendment shall take effect.”