

COLO

COLO.
KFC
1820
.L4
no. 89
1964

LEGISLATIVE COUNCIL OF THE
COLORADO GENERAL ASSEMBLY

RESEARCH PUB. NO. 89

AN ANALYSIS OF 1964 BALLOT
PROPOSALS

UNIVERSITY OF DENVER LAW LIBRARY

COLO. KFC 1820 .L4 no.89
1964
Colorado. General Assembly.
Legislative Council.
An analysis of 1964 ballot
proposals

NON-CIRCULATING

U18600 3411470

LEGISLATIVE COUNCIL
OF THE
COLORADO GENERAL ASSEMBLY

RECEIVED

JAN 9 1976

LAW LIBRARY
UNIVERSITY OF DENVER

AN ANALYSIS OF
1964 BALLOT PROPOSALS

Research Publication No. 89
1964

LEGISLATIVE COUNCIL

Representative C. P. (Doc) Lamb, Chairman
Senator Fay DeBerard, Vice Chairman

Senators

William E. Bledsoe
Edward J. Byrne
Frank L. Gill
Floyd Oliver

Robert L. Knous, Lt. Governor

Representatives

John D. Vanderhoof
Joseph V. Calabrese
John L. Kane
William O. Lennox
John W. Nichols
Clarence H. Quinlan

In conformance with the provisions of Chapter 123, Session Laws of 1953, which requires the Legislative Council, among other duties, to "...examine the effects of constitutional provisions..." there is presented herein a copy of its analysis of the 1964 ballot proposals. In addition to listing the PROVISIONS and COMMENTS relating to each such proposal, there are also listed the arguments most commonly given for and against each.

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 indications or inferences of Council sentiment.

COLO. KFC 1820 .L4 no.89
1964

Colorado. General Assembly.
Legislative Council.

An analysis of 1964 ballot
proposals

OFFICERS

Rep. C. P. (Doc) Lamb
Chairman
Sen. Fay DeBerard
Vice Chairman

STAFF

Lyle C. Kyle
Director
Harry O. Lawson
Senior Analyst
Phillip E. Jones
Senior Analyst
David F. Morrissey
Research Assistant
Myran H. Schlechte
Research Assistant
Janet Wilson
Research Assistant

COLORADO GENERAL ASSEMBLY



LEGISLATIVE COUNCIL

ROOM 341, STATE CAPITOL
DENVER 2, COLORADO
222-9911-EXTENSION 2285

MEMBERS

Lt. Gov. Robert L. Knous
Sen. William E. Bledsoe
Sen. Edward J. Byrne
Sen. Frank L. Gill
Sen. Floyd Oliver

Speaker John D. Vanderhoof
Rep. Joseph V. Calabrese
Rep. John L. Kane
Rep. William O. Lennox
Rep. John W. Nichols
Rep. Clarence H. Quinlan

LETTER OF TRANSMITTAL

August 24, 1964

This analysis of the constitutional amendments to be voted upon at the 1964 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 63-5-3, Colorado Revised Statutes, 1953.

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.

Respectfully submitted,

Representative C. P. (Doc) Lamb
Chairman

BALLOT TITLES

Constitutional Amendments Submitted by the General Assembly

1. An amendment to articles IV and V of the constitution of the state of Colorado, providing for a state auditor under the legislative department to replace the auditor of state under the executive department.

2. An amendment to article IX of the constitution of the state of Colorado, providing that the office of county superintendent of schools may be abolished by the qualified electors of any county, and eliminating inoperative provisions with respect to certain duties of the county superintendent.

Provisions:

This amendment:

1. replaces the elected Auditor of State with a State Auditor appointed by the legislature;
2. retains the present Auditor of State until the expiration of his current term of office on the second Tuesday of January in 1967;
3. directs the legislature to appoint a State Auditor, who must be a certified public accountant, without regard to political affiliation;
4. limits the term of office of the State Auditor to five years, with no person being eligible for more than two consecutive terms as State Auditor;
5. prohibits the State Auditor from being appointed or elected to public office within this state during his term of office, or for two years following the termination of his services as State Auditor;
6. authorizes the removal of the State Auditor for cause by a two-thirds' vote of the members in each house of the legislature;
7. provides the State Auditor with the duty of conducting post-audits of all financial transactions and accounts kept by all agencies, departments, and institutions of state government, plus performing such similar or related duties with respect to political subdivisions of the state as may be required by law;
8. requires that not more than three members of the staff of the State Auditor may be non-civil service employees; and
9. removes constitutional prohibition against the State Treasurer succeeding himself in office.

Comments:

Three major changes are embodied in this amendment. First, the post-auditing of state agency expenditures would be made a function independent of the executive branch. Second, the office of State Auditor would be an appointive position (by the legislature) instead of being an elective position. And third, professional qualifications would be required for the official in charge of post-audits.

This amendment resulted from a study by the Legislative Council's Committee on Organization of State Government. In its report to the legislature, the committee noted that, under the provisions of the Colorado Constitution, any person may be a candidate for the office of Auditor of State if he (or she) is at least

25 years of age, a citizen of the United States, and has resided within the state for at least two years next preceding the election, but no other qualifications are required.

The committee noted further that the constitutional prohibition against the State Auditor and State Treasurer from being re-elected as their own immediate successor has been avoided in the past through the practice of the State Auditor becoming a candidate for the office of State Treasurer when the auditor's term was expiring, and vice versa. This has led to the situation whereby the State Auditor is in charge of auditing his transactions while having served as State Treasurer.

A survey of practices in other states showed that some 21 states provide for a post-audit service under the control and supervision of the legislature. This trend represents a realization that the post-auditing program, which serves as a check on the spending of appropriated funds by the executive branch, should be conducted by the legislative branch if it is to fulfill its function as the guardian of public funds.

Popular Arguments For:

1. Post-auditing the expenditures of state monies is a function which properly belongs in the legislative branch of state government if the legislature is to carry out its traditional duty of controlling the purse strings of government. Under the present arrangement, once the legislature appropriates the funds to finance state government, it has no first-hand knowledge as to whether these funds are spent in the manner for which they were appropriated.

2. The popular election of the State Auditor gives him some independence from the executive branch, but it does not provide the legislature with an auditing officer directly responsible to it so that he can be required to provide the legislature with maximum information on which to base its future appropriation policies.

3. Post-auditing is a professional function, and the official in charge should be required to have professional qualifications. It is not a policy-making position, nor should it be, and the State Auditor should be selected on the basis of professional qualifications and not on the basis of the person receiving the most votes on Election Day.

4. A greater knowledge of the relationship between the appropriating and spending of state funds by executive departments will enable the legislature to appropriate such funds more wisely and more efficiently.

5. Safeguards are included in the amendment to prevent any person appointed from using the office of State Auditor for personal political gain.

6. The bulk of the State Auditor's staff will be under the classified civil service system, but he will be allowed to have no more than three employees exempt from civil service to assist in directing and carrying out the functions of his office. This provision will help to solve the practical problem of the future employment of the civil service employees in the auditing office at the present time.

Popular Arguments Against:

1. Consistent with the democratic tradition, state officials should be elected by the people. This amendment jeopardizes this tradition and would reduce the power of the people by changing the method of selecting the State Auditor.

2. Historically, the State Auditor in Colorado has been elected by the people and there is no assurance that requiring this official to be a certified public accountant will improve the post-auditing program to any extent.

3. Neither does the fact that more knowledge of the relationship between appropriations and expenditures necessarily mean the legislature will appropriate funds more wisely and more efficiently.

4. If this official is going to be appointed on the basis of professional qualifications, without regard to political party affiliation, why is it necessary to include a prohibition in the amendment that he will be ineligible for election to public office while serving as State Auditor or for two years following the termination of his services as State Auditor?

5. The amendment specifies that the State Auditor who was elected in 1962 shall continue in office until January 1967. It does not, however, specify what is to happen to his present staff members who are under the classified civil service system.

6. The three non-civil service positions in this amendment are not designated, thereby providing the opportunity to switch or change these exempt positions periodically so that the balance of the staff could be consistently subject to undue political pressure.

