

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 18-0158.01 Kip Kolkmeier x4510

HOUSE BILL 18-1138

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A BILL FOR AN ACT

101 **CONCERNING STANDARDIZING PUBLIC OFFICIAL OATHS OF OFFICE,**
102 **AND, IN CONNECTION THEREWITH, PROVIDING A UNIFORM OATH**
103 **TEXT AND ESTABLISHING REQUIREMENTS FOR TAKING,**
104 **SUBSCRIBING, ADMINISTERING, AND FILING PUBLIC OATHS OF**
105 **OFFICE.**

Bill Summary

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

Statutory Revision Committee. Current law requires most public officials and many public employees to swear or affirm an oath of office.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
February 21, 2018

HOUSE
Amended 2nd Reading
February 20, 2018

The bill establishes a single uniform text for swearing or affirming an oath of office and the requirements regarding how and when an oath or affirmation of office must be taken, subscribed, administered, and filed. All requirements must be completed prior to the official or employee entering upon the office.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds that:

4 (a) Almost every state and local elected or appointed public
5 official must by statute take some type of oath or affirmation of office;

6 (b) Oath or affirmation statutory provisions are not consistent;

7 (c) Most oath or affirmation statutory provisions are silent or
8 incomplete regarding the text, process, and timing of an oath or
9 affirmation;

10 (d) Many oath or affirmation requirements are anachronistic; and

11 (e) Statutory oath or affirmation inconsistencies should be
12 harmonized and the statutes regarding oaths and affirmations of public
13 office should be updated.

14 (2) Now, therefore, the general assembly determines and declares
15 that it is in the public interest to establish a single, consistent text for all
16 oaths and affirmations of office and a consistent process for oaths or
17 affirmations to be in writing, signed, administered, and filed; and to
18 repeal outdated oath and affirmation provisions.

19 **SECTION 2.** In Colorado Revised Statutes, **amend** 24-12-101 as
20 follows:

21 **24-12-101. Form of oath or affirmation for public office -**
22 **requirements for oath or affirmation.** (1) ~~Whenever any~~ WHEN A
23 person is required to take an oath OR AFFIRMATION before ~~he~~ THE PERSON

1 enters upon the discharge of ~~any~~ A PUBLIC office OR position, ~~or business~~
2 ~~or on any other lawful occasion, it is lawful for any person employed to~~
3 ~~administer the oath to administer it in the following form. The person~~
4 ~~swearing, with his hand uplifted, shall swear "by the everliving God"~~ THE
5 FORM OF THE OATH OR AFFIRMATION IS AS FOLLOWS:

6 I [NAME], DO [SELECT "SWEAR BY THE EVERLIVING GOD" OR
7 "AFFIRM"] THAT I WILL SUPPORT THE CONSTITUTION OF THE
8 UNITED STATES, THE CONSTITUTION OF THE STATE OF
9 COLORADO, AND THE LAWS OF THE STATE OF COLORADO,
10 AND WILL FAITHFULLY PERFORM THE DUTIES OF THE OFFICE
11 OF [NAME OF OFFICE OR POSITION] UPON WHICH I AM ABOUT
12 TO ENTER TO THE BEST OF MY ABILITY.

13 IF CHOOSING TO SWEAR AN OATH, THE PERSON SWEARING MUST DO SO
14 WITH AN UPLIFTED HAND.

- 15 (2) THE OATH OR AFFIRMATION MUST BE:
- 16 (a) IN WRITING AND SIGNED BY THE PERSON TAKING THE OATH OR
17 AFFIRMATION;
- 18 (b) ADMINISTERED AS PROVIDED IN SECTION 24-12-103; AND
- 19 (c) TAKEN, SIGNED, ADMINISTERED, AND FILED AS SPECIFIED IN
20 SUBSECTION (3) OF THIS SECTION BEFORE THE PERSON ENTERS UPON THE
21 PUBLIC OFFICE OR POSITION.

22 (3) OFFICERS OF THE EXECUTIVE DEPARTMENT, JUDGES OF THE
23 SUPREME AND SUBSIDIARY COURTS, AND DISTRICT ATTORNEYS SHALL FILE
24 THEIR OATHS OR AFFIRMATIONS OF OFFICE WITH THE SECRETARY OF
25 STATE. EVERY OTHER PERSON REQUIRED BY LAW TO FILE AN OATH OR
26 AFFIRMATION OF OFFICE SHALL FILE WITH THE COUNTY CLERK OF THE
27 COUNTY WHEREIN THE PERSON WAS ELECTED OR APPOINTED.

1 **SECTION 3.** In Colorado Revised Statutes, **amend** 24-12-102 as
2 follows:

3 **24-12-102. Form of oaths or affirmations for purposes other**
4 **than public office.** Whenever any person is required to take or subscribe
5 an oath, and in all cases where an oath is to be administered upon any
6 lawful occasion, and ~~such~~ THE person has conscientious scruples against
7 taking an oath, ~~he shall be~~ THE PERSON IS permitted to make ~~his~~ A solemn
8 affirmation ~~or declaration in the following form: "You do solemnly,~~
9 ~~sincerely, and truly declare and affirm", which solemn affirmation or~~
10 ~~declaration is equally valid as if such person had taken an oath in the~~
11 ~~usual form; and every person guilty of falsely declaring shall incur and~~
12 ~~suffer the penalties inflicted on persons guilty of perjury in the first~~
13 **degree** IN LIEU OF AN OATH. WHENEVER ANY PERSON IS REQUIRED TO
14 TAKE AN OATH OR AFFIRMATION, OTHER THAN AN OATH FOR PUBLIC
15 OFFICE OR POSITION IN ACCORDANCE WITH SECTION 24-12-101, THE
16 PERSON SHALL TAKE OR SUBSCRIBE THE OATH OR AFFIRMATION IN THE
17 MANNER SPECIFIED IN THE PARTICULAR LAW THAT IMPOSES THE
18 REQUIREMENT.

19 **SECTION 4.** In Colorado Revised Statutes, **amend** 24-12-103 as
20 follows:

21 **24-12-103. Who may administer oaths or affirmations.** All
22 courts in this state and each judge, justice, magistrate, referee, clerk, and
23 ~~any~~ deputy clerk thereof; members and referees of the division of labor
24 standards and statistics; members of the public utilities commission; and
25 ~~all~~ notaries public have power to administer oaths and affirmations to
26 witnesses and others concerning any matter, thing, process, or proceeding
27 pending, commenced, or to be commenced before them respectively. The

1 courts, judges, magistrates, referees, clerks, and deputy clerks within their
2 respective districts or counties; A PERSON DESIGNATED BY THE
3 GOVERNING BODY; and notaries public within any county of this state
4 have the power to administer all oaths OR AFFIRMATIONS of office and
5 other oaths OR AFFIRMATIONS required to be taken by any person upon
6 any lawful occasion and to take affidavits and depositions concerning any
7 matter or thing, process, or proceeding pending, commenced, or to be
8 commenced in any court or on any occasion ~~wherein such~~ AN affidavit or
9 A deposition is authorized or by law required to be taken.

10 **SECTION 5.** In Colorado Revised Statutes, 24-12-104, **amend**
11 (3) as follows:

12 **24-12-104. Officers in armed forces empowered to perform**
13 **notarial acts.** (3) In the taking of acknowledgments and the performing
14 of other notarial acts requiring certification, a certificate indorsed upon
15 or attached to the instrument or document ~~which~~ THAT shows the date of
16 the notarial act and ~~which~~ THAT states, in substance, that the person
17 appearing before the officer acknowledged the instrument as his OR HER
18 act or made or signed the instrument or document under oath OR
19 AFFIRMATION shall be sufficient for all intents and purposes. The
20 instrument or document shall not be rendered invalid by the failure to
21 state the place of execution or acknowledgment.

22 **SECTION 6.** In Colorado Revised Statutes, 20-1-101, **amend** (1)
23 as follows:

24 **20-1-101. Bond and oath or affirmation of district attorney**
25 **and staff.** (1) Every district attorney, ~~before entering upon the duties of~~
26 ~~his office, shall take and subscribe an oath to support the constitution of~~
27 ~~the United States and the organic law of the state and that he will~~

1 ~~faithfully discharge the duties of his office. He~~ CHIEF DEPUTY DISTRICT
2 ATTORNEY, DEPUTY DISTRICT ATTORNEY, SPECIAL DEPUTY DISTRICT
3 ATTORNEY, AND ASSISTANT DISTRICT ATTORNEY SHALL TAKE AN OATH OR
4 AFFIRMATION IN ACCORDANCE WITH SECTION 24-12-101. A DISTRICT
5 ATTORNEY shall also execute to the people of the state of Colorado a bond
6 in the sum of five thousand dollars with a good and sufficient individual,
7 schedule, or blanket corporate surety bond or other acceptable security,
8 to be approved by the secretary of state, conditioned for the faithful
9 discharge of the duties of his OR HER office, as the same are prescribed by
10 law, and upon any breach of such bond, an action shall lie thereon for the
11 benefit of any county fund or person injured thereby.

12 **SECTION 7.** In Colorado Revised Statutes, 20-1-201, **repeal** (3)
13 as follows:

14 **20-1-201. Deputies - chief deputies - staff.** (3) ~~Before such~~
15 ~~deputy district attorneys, chief deputy district attorneys, or special deputy~~
16 ~~district attorneys enter upon the duties of their office, they shall file with~~
17 ~~the secretary of state the oath of office required by law to be filed by~~
18 ~~district attorneys and may be required, as the district attorney shall direct,~~
19 ~~to file a like bond as that required to be filed by district attorneys.~~

20 **SECTION 8.** In Colorado Revised Statutes, 20-1-205, **repeal** (2)
21 as follows:

22 **20-1-205. Assistant district attorneys.** (2) ~~Every such assistant~~
23 ~~district attorney, before entering upon the duties of office, shall file with~~
24 ~~the secretary of state the oath of office required by law to be filed by~~
25 ~~district attorneys and shall hold office at the pleasure of the district~~
26 ~~attorney by whom he is appointed. Such assistant district attorney, before~~
27 ~~entering upon the duties of office, may be required, as the district attorney~~

1 ~~may direct, to file like bond as that required to be filed by district~~
2 ~~attorneys.~~

3 **SECTION 9.** In Colorado Revised Statutes, **amend** 23-20-103 as
4 follows:

5 **23-20-103. Oath or affirmation of regents.** The members of the
6 board of regents ~~before entering upon their duties,~~ shall take ~~and~~
7 ~~subscribe to the following~~ AN oath or affirmation "I do solemnly swear
8 (or affirm) that I will support the constitution of the United States and of
9 the state of Colorado, and that I will perform the duties of regent of the
10 university of Colorado faithfully and to the best of my ability." Said oath
11 ~~or affirmation shall be filed in the office of the secretary of state~~ IN
12 ACCORDANCE WITH SECTION 24-12-101.

13 **SECTION 10.** In Colorado Revised Statutes, **amend** 23-20-109
14 as follows:

15 **23-20-109. Treasurer - duties - bond.** The board of regents shall
16 elect a treasurer of the university, who shall hold his or her office at the
17 pleasure of the board. The treasurer shall keep a true and faithful account
18 of all ~~moneys~~ MONEY received and paid out by him or her and shall pay
19 all warrants and checks as presented. ~~Before entering upon the duties of~~
20 ~~his or her office, he or she~~ THE TREASURER shall take ~~and subscribe~~ an
21 oath ~~that he or she will faithfully perform the duties of treasurer~~ OR
22 AFFIRMATION IN ACCORDANCE WITH SECTION 24-12-101. He or she shall
23 also give a bond in the penal sum of not less than twenty-five thousand
24 dollars, conditioned for the faithful discharge of his or her duties as
25 treasurer, that he or she will at all times keep and render a true account of
26 all ~~moneys~~ MONEY and other valuables received by him or her as treasurer
27 and of the disposition he or she has made of the same, and that he or she

1 will at all times be ready to discharge himself or herself of the trust and
2 to deliver up when required by said board all ~~moneys~~ MONEY, notes,
3 bonds, and other valuables entrusted to him or her. The bond shall have
4 two or more sureties and be approved as to its form and the sufficiency
5 of its sureties by the board of regents, the attorney general, and the
6 secretary of state, who shall endorse their approval on the same. The bond
7 shall be filed in the office of the secretary of state.

8 **SECTION 11.** In Colorado Revised Statutes, 23-40-104, **amend**
9 (1)(b)(VIII) as follows:

10 **23-40-104. Board of trustees.** (1) (b) (VIII) Each trustee shall
11 take ~~and subscribe to the AN oath of office prescribed by the constitution~~
12 ~~of this state before entering upon the duties of his or her office, which~~
13 ~~oath shall be placed and kept on file in the office of the secretary of state~~
14 OR AFFIRMATION IN ACCORDANCE WITH SECTION 24-12-101.

15 **SECTION 12.** In Colorado Revised Statutes, **amend** 23-41-103
16 as follows:

17 **23-41-103. Oath or affirmation of trustees.** Every trustee
18 ~~appointed, before entering upon the duties of his office,~~ shall take an oath
19 ~~to support the constitution of the United States and the constitution of this~~
20 ~~state and to faithfully perform the duties of his office to the best of his~~
21 ~~ability and understanding~~ OR AFFIRMATION IN ACCORDANCE WITH SECTION
22 24-12-101.

23 **SECTION 13.** In Colorado Revised Statutes, 23-51-102, **amend**
24 (5) as follows:

25 **23-51-102. Board of trustees - creation - members - powers -**
26 **duties.** (5) A vacancy of an appointed member of the board of trustees
27 shall be filled by appointment by the governor for the unexpired term. A

1 vacancy of either of the elected members of the board of trustees shall be
2 filled by election for the unexpired term. Each member of the board of
3 trustees shall take ~~and subscribe to the AN oath of office prescribed by the~~
4 ~~constitution of this state before entering upon the duties of the office,~~
5 ~~which oath shall be placed and kept on file in the office of the secretary~~
6 ~~of state~~ OR AFFIRMATION IN ACCORDANCE WITH SECTION 24-12-101.

7 **SECTION 14.** In Colorado Revised Statutes, 23-52-102, **amend**
8 (5) as follows:

9 **23-52-102. Board of trustees - creation - members - powers -**
10 **duties.** (5) Any vacancy in the office of an appointed member of the
11 board of trustees shall be filled by appointment by the governor for the
12 unexpired term. Any vacancy in either of the elected offices on the board
13 of trustees shall be filled by reelection for the unexpired term. Each
14 trustee shall take ~~and subscribe to the AN oath of office prescribed by the~~
15 ~~constitution of this state before entering upon the duties of the office,~~
16 ~~which oath shall be placed and kept on file in the office of the secretary~~
17 ~~of state~~ OR AFFIRMATION IN ACCORDANCE WITH SECTION 24-12-101.

18 **SECTION 15.** In Colorado Revised Statutes, 23-53-102, **amend**
19 (5) as follows:

20 **23-53-102. Board of trustees - creation - members - powers -**
21 **duties.** (5) A vacancy of an appointed member of the board of trustees
22 shall be filled by appointment by the governor for the unexpired term. A
23 vacancy of either of the elected members of the board of trustees shall be
24 filled by election for the unexpired term. Each member of the board of
25 trustees shall take ~~and subscribe to the AN oath of office prescribed by the~~
26 ~~constitution of this state before entering upon the duties of the office,~~
27 ~~which oath shall be placed and kept on file in the office of the secretary~~

1 ~~of state~~ OR AFFIRMATION IN ACCORDANCE WITH SECTION 24-12-101.

2 **SECTION 16.** In Colorado Revised Statutes, 23-54-102, **amend**
3 (5) as follows:

4 **23-54-102. Board of trustees - creation - members - powers -**
5 **duties.** (5) Any vacancy in the office of an appointed member of the
6 board of trustees shall be filled by appointment by the governor for the
7 unexpired term. Any vacancy in either of the elected offices on the board
8 of trustees shall be filled by reelection for the unexpired term. Each
9 trustee shall take ~~and subscribe to the AN oath of office prescribed by the~~
10 ~~constitution of this state before entering upon the duties of the office,~~
11 ~~which oath shall be placed and kept on file in the office of the secretary~~
12 ~~of state~~ OR AFFIRMATION IN ACCORDANCE WITH SECTION 24-12-101.

13 **SECTION 17.** In Colorado Revised Statutes, 23-56-102, **amend**
14 (5) as follows:

15 **23-56-102. Board of trustees - creation - members - powers -**
16 **duties.** (5) A vacancy of an appointed member of the board of trustees
17 shall be filled by appointment by the governor for the unexpired term. A
18 vacancy of either of the elected members of the board of trustees shall be
19 filled by election for the unexpired term. Each member of the board of
20 trustees shall take ~~and subscribe to the AN oath of office prescribed by the~~
21 ~~constitution of this state before entering upon the duties of the office,~~
22 ~~which oath shall be placed and kept on file in the office of the secretary~~
23 ~~of state~~ OR AFFIRMATION IN ACCORDANCE WITH SECTION 24-12-101.

24 **SECTION 18.** In Colorado Revised Statutes, 23-70-102, **amend**
25 (2) as follows:

26 **23-70-102. Auraria board - membership - terms - oath or**
27 **affirmation - voting.** (2) Each member of the Auraria board shall take

1 ~~and subscribe to the AN oath of office prescribed by the constitution of~~
2 ~~this state before entering upon the duties of his office, which oath shall~~
3 ~~be placed and kept on file in the office of the secretary of state OR~~
4 AFFIRMATION IN ACCORDANCE WITH SECTION 24-12-101.

5 **SECTION 19.** In Colorado Revised Statutes, 24-22-101, **amend**
6 (1) as follows:

7 **24-22-101. Oath or affirmation - bond and sureties -**
8 **conditions of bond.** (1) On or before the second Tuesday in January
9 after his OR HER election, ~~and before entering upon his duties,~~ the state
10 treasurer shall take ~~and subscribe to the AN oath required by the state~~
11 ~~constitution~~ OR AFFIRMATION IN ACCORDANCE WITH SECTION 24-12-101
12 and shall give a bond to the people of the state of Colorado in the sum of
13 one million dollars, with not less than ten individual sureties or one or
14 more surety companies authorized to do business in this state. The bond
15 and each surety shall be approved by the governor and the attorney
16 general and held in the custody of the secretary of state.

17 **SECTION 20.** In Colorado Revised Statutes, 30-10-105, **amend**
18 (1)(e) as follows:

19 **30-10-105. When office becomes vacant.** (1) Every county
20 office shall become vacant, on the happening of any one of the following
21 events, before the expiration of the term of office:

22 (e) The incumbent's refusal or neglect to take ~~his AN oath of office~~
23 OR AFFIRMATION IN ACCORDANCE WITH SECTION 24-12-101, to give or
24 renew his OR HER official bond, or to deposit such ~~oath and~~ bond within
25 the time prescribed by law;

26 **SECTION 21.** In Colorado Revised Statutes, 30-10-110, **amend**
27 (1) as follows:

1 **30-10-110. Bonds or insurance of officers - oath or**
2 **affirmation.** (1) Except as provided in subsection (2) of this section,
3 every county officer named in section 30-10-101, before entering upon
4 the duties of office, on or before the day of the commencement of the
5 term for which the officer was elected, shall execute and deposit an
6 official bond, as prescribed by law. Any such officer shall also take ~~and~~
7 ~~subscribe the AN oath of office prescribed by law, before some officer~~
8 ~~authorized to administer oaths, and deposit the same with the official~~
9 ~~bond to be filed and preserved therewith~~ OR AFFIRMATION IN
10 ACCORDANCE WITH SECTION 24-12-101.

11 **SECTION 22.** In Colorado Revised Statutes, **amend** 30-10-301
12 as follows:

13 **30-10-301. Oath or affirmation of commissioners.** Each person
14 elected as commissioner, on receiving a certificate of his OR HER election,
15 shall take an oath ~~to support the constitution of the United States and of~~
16 ~~the state of Colorado, and to perform the duties of his office to the best~~
17 ~~of his ability, which oath, being endorsed upon said certificate, under the~~
18 ~~hand and seal of the person administering it, shall be sufficient for said~~
19 ~~person to act as such commissioner~~ OR AFFIRMATION IN ACCORDANCE
20 WITH SECTION 24-12-101.

21 **SECTION 23.** In Colorado Revised Statutes, **amend** 30-10-416
22 as follows:

23 **30-10-416. Clerk to administer oaths - take affidavit or**
24 **deposition.** The county clerk and recorders of the several counties in the
25 state of Colorado are authorized, within their respective counties, to
26 administer all ~~oaths of office, and other~~ oaths OR AFFIRMATIONS required
27 to be taken by any person upon any lawful occasion, and to take affidavits

1 and depositions concerning any matter or thing, process, or proceeding
2 pending or to be commenced in any court, or any occasion wherein such
3 affidavit or deposition is authorized or required by law to be taken.

4 **SECTION 24.** In Colorado Revised Statutes, 30-10-602, **amend**
5 (1) as follows:

6 **30-10-602. Coroner and deputy coroner - duties - oath or**
7 **affirmation - bond - insurance.** (1) The coroner of each county is
8 authorized to appoint a deputy. Any such appointment shall be in writing
9 and shall be filed in the office of the coroner. The coroner of each county
10 may delegate any of the coroner's powers to one or more deputies who
11 shall then have the same duties with respect thereto as the coroner has.
12 Any act of a deputy shall be done in the name of the coroner and signed
13 by the deputy performing such act. A deputy coroner shall hold office
14 during and subject to the pleasure of the coroner. Except as provided in
15 subsection (2) of this section, each CORONER AND deputy coroner ~~before~~
16 ~~entering the duties of office, shall file with the county clerk and recorder~~
17 ~~of the county the bond and oath of office~~ SHALL TAKE AN OATH OR
18 AFFIRMATION IN ACCORDANCE WITH SECTION 24-12-101 AND FILE THE
19 BOND required by law to be filed by the coroner.

20 **SECTION 25.** In Colorado Revised Statutes, **repeal** 30-10-607
21 as follows:

22 **30-10-607. Talesmen - oath.** ~~If any juror fails to appear, the~~
23 ~~coroner shall immediately summon the proper number from the~~
24 ~~bystanders, and proceed to impanel them, and administer the following~~
25 ~~oath in substance: "You do solemnly swear, or affirm, that you will~~
26 ~~diligently inquire, and true presentment make, when, how, and by what~~
27 ~~means the person about whom this inquest is being held came to his~~

1 ~~death, according to your knowledge and the evidence given you, so help~~
2 ~~you God."~~

3 **SECTION 26.** In Colorado Revised Statutes, 30-10-801, **amend**
4 (1) as follows:

5 **30-10-801. Assessor - election - bond - insurance - term - oath**
6 **or affirmation.** (1) A county assessor shall be elected in each county at
7 a general election and, except as provided in subsection (2) of this
8 section, shall: Give bond to the people of the state of Colorado with two
9 or more sufficient sureties, in a sum of not less than six thousand dollars
10 for the performance of the assessor's duties according to law and to the
11 satisfaction of the board of county commissioners; ~~and subscribe~~ TAKE an
12 oath or affirmation ~~for the faithful performance of the assessor's duties as~~
13 ~~such assessor, and who shall~~ IN ACCORDANCE WITH SECTION 24-12-101;
14 be a qualified elector of ~~said~~ THE county; and ~~shall~~ hold office for four
15 years and until a successor is elected and qualified.

16 **SECTION 27.** In Colorado Revised Statutes, 30-10-802, **amend**
17 (1) as follows:

18 **30-10-802. Assessment district - deputy in each - oath or**
19 **affirmation - bond.** (1) When the board of county commissioners of any
20 county is of the opinion that the assessor is unable to perform the duties
21 of office within the time prescribed by law, the board shall divide ~~such~~
22 THE county into assessment districts and shall require the assessor to
23 appoint a deputy in each district, who shall: Be a qualified elector of the
24 district; ~~and who shall be sworn~~ TAKE AN OATH OR AFFIRMATION IN
25 ACCORDANCE WITH SECTION 24-12-101; and, except as provided in
26 subsection (2) of this section, give bond to the principal.

27 **SECTION 28.** In Colorado Revised Statutes, 31-25-815, **amend**

1 (1)(a) as follows:

2 **31-25-815. Employees - duties - compensation.** (1) The board
3 shall employ and fix the compensation, subject to the approval of the
4 governing body, of the following, who shall serve at the pleasure of the
5 board:

6 (a) A director, who shall be a person of good moral character and
7 possessed of a reputation for integrity, responsibility, and business ability.
8 No member of the board shall be eligible to hold the position of director.
9 ~~Before entering upon the duties of his office,~~ The director shall take ~~and~~
10 ~~subscribe to the~~ AN OATH OF OFFICE OR AFFIRMATION IN ACCORDANCE WITH
11 SECTION 24-12-101 and furnish a bond as required by the board. ~~He~~ THE
12 DIRECTOR shall be the chief executive officer of the authority. Subject to
13 the approval of the board and directed by it when necessary, ~~he~~ THE
14 DIRECTOR shall have general supervision over and be responsible for the
15 preparation of plans and the performance of the functions of the authority
16 in the manner authorized by this part 8. ~~He~~ THE DIRECTOR shall attend all
17 meetings of the board and shall render to the board and to the governing
18 body a regular report covering the activities and financial condition of the
19 authority. In the absence or disability of the director, the board may
20 designate a qualified person to perform the duties of the office as acting
21 director. The director shall furnish the board with such information or
22 reports governing the operation of the authority as the board may from
23 time to time require.

24 **SECTION 29.** In Colorado Revised Statutes, **amend** 31-4-304 as
25 follows:

26 **31-4-304. Appointment of officers - compensation.** The board
27 of trustees shall appoint a clerk, treasurer, and town attorney, or shall

1 provide by ordinance for the election of such officers, and may appoint
2 such other officers, including a town administrator, as it deems necessary
3 for the good government of the corporation, and it shall prescribe by
4 ordinance their duties when the same are not defined by law and the
5 compensation or fees they are entitled to receive for their services. The
6 board of trustees may require ~~of them an oath of office and~~ OFFICERS TO
7 TAKE AN OATH OR AFFIRMATION IN ACCORDANCE WITH SECTION
8 24-12-101 AND FILE a bond, with surety, for the faithful discharge of their
9 duties. The election of officers shall be at the regular election, and no
10 appointment of any officer shall continue beyond thirty days after
11 compliance with section 31-4-401 by the members of the succeeding
12 board of trustees.

13 **SECTION 30.** In Colorado Revised Statutes, **amend** 31-4-401 as
14 follows:

15 **31-4-401. Oath or affirmation of officers - bonds - waiver -**
16 **declaring office vacant.** (1) All officers elected or appointed in any
17 municipality shall take an oath or affirmation ~~administered by the~~
18 ~~municipal judge, clerk, or other person who is designated by the~~
19 ~~governing body or who is authorized by law to administer oaths, to~~
20 ~~support the constitution of the United States and the state constitution~~ IN
21 ACCORDANCE WITH SECTION 24-12-101.

22 (2) The governing body of any city or town may require, from the
23 treasurer and such other officers as it determines proper, a bond, with
24 proper penalty and surety, for the care and disposition of municipal funds
25 in their hands and the faithful discharge of the duties of their offices.
26 Such governing body has the power to declare vacant the office of any
27 person appointed or elected to any office who fails to take ~~the~~ AN oath of

1 office OR AFFIRMATION IN ACCORDANCE WITH SECTION 24-12-101 or give
2 bond when required within ten days after he OR SHE has been notified of
3 his OR HER appointment or election, and it shall proceed to appoint his OR
4 HER successor as in other cases of vacancy.

5 SECTION 31. In Colorado Revised Statutes, amend 32-1-901 as
6 follows:

7 32-1-901. Oath or affirmation and bond of directors. (1) Each
8 director, within thirty days after his or her election or appointment to fill
9 a vacancy, except for good cause shown, shall appear before an officer
10 authorized to administer oaths and take an oath that he or she will
11 faithfully perform the duties of his or her office as required by law and
12 will support the constitution of the United States, the constitution of the
13 state of Colorado, and the laws made pursuant thereto OR AFFIRMATION
14 IN ACCORDANCE WITH SECTION 24-12-101, EXCEPT AS OTHERWISE
15 REQUIRED BY THIS SECTION. When an election is cancelled in whole or in
16 part pursuant to section 1-13.5-513, C.R.S., each director who was
17 declared elected shall take the oath required by this subsection (1) OR
18 AFFIRMATION IN ACCORDANCE WITH SECTION 24-12-101, EXCEPT AS
19 OTHERWISE REQUIRED BY THIS SECTION, within thirty days after the date
20 of the regular election, except for good cause shown. The oath may be
21 administered by the county clerk and recorder, by the clerk of the court,
22 by any person authorized to administer oaths in this state, or by the
23 chairman of the board and shall be filed with the clerk of the court and
24 with the division.

25 (2) At the time of filing said oath, there shall also be filed for each
26 director an individual, schedule, or blanket surety SHALL FILE A bond at
27 the expense of the special district, in an amount determined by the board

1 of not less than one thousand dollars each, conditioned upon the faithful
2 performance of his OR HER duties as director.

3 (3) If any director fails to take ~~the~~ AN oath OR AFFIRMATION IN
4 ACCORDANCE WITH SECTION 24-12-101, EXCEPT AS OTHERWISE REQUIRED
5 BY THIS SECTION, or furnish the requisite bond within the period allowed,
6 except for good cause shown, his OR HER office shall be deemed vacant,
7 and the vacancy thus created shall be filled in the same manner as other
8 vacancies in the office of director.

9 **SECTION 32.** In Colorado Revised Statutes, 35-70-105, **amend**
10 (5)(e)(II) as follows:

11 **35-70-105. Hearing on petition - election.** (5) (e) (II) The
12 candidates, according to the number of supervisors to be elected,
13 receiving the most votes cast shall be elected. The supervisors elected
14 shall take ~~office upon the taking of~~ an oath OR AFFIRMATION IN
15 ACCORDANCE WITH SECTION 24-12-101 and, if required by the state or
16 local board, ~~the filing of~~ FILE a bond in the same manner as specified in
17 section 32-1-901. ~~C.R.S.~~ Failure to take ~~the~~ AN oath OR AFFIRMATION IN
18 ACCORDANCE WITH SECTION 24-12-101 or TO furnish a bond, if required,
19 except for good cause shown, shall create a vacancy in the office, and the
20 vacancy shall be filled by the next candidate receiving the highest number
21 of votes in the case of a new district or by the remaining supervisors as
22 specified in section 35-70-107 (4).

23 **SECTION 33.** In Colorado Revised Statutes, **amend** 37-3-102 as
24 follows:

25 **37-3-102. Oath or affirmation - organization.** Each director
26 ~~before entering upon his or her official duties,~~ shall take ~~and subscribe to~~
27 an oath ~~before an officer authorized to administer oaths,~~ that the director

1 ~~will honestly, faithfully, and impartially perform the duties of his or her~~
2 ~~office and that he or she will not be interested directly or indirectly in any~~
3 ~~contract let by said district, which oath shall be filed in the office of the~~
4 ~~clerk of said court in the original case. Upon taking the oath, the OR~~
5 ~~AFFIRMATION IN ACCORDANCE WITH SECTION 24-12-101. THE board of~~
6 ~~directors shall choose one of its number as chairman CHAIRPERSON of the~~
7 ~~board and president of the district and shall elect some suitable person~~
8 ~~secretary of the board and of the district who may or may not be a~~
9 ~~member of the board. Such board shall adopt a seal and shall keep in a~~
10 ~~visual text format that may be transmitted electronically a record of all of~~
11 ~~its proceedings, minutes of all meetings, certificates, contracts, bonds~~
12 ~~given by employees, and corporate acts, which shall be open to the~~
13 ~~inspection of all owners of property in the district as well as to all other~~
14 ~~interested parties.~~

15 **SECTION 34.** In Colorado Revised Statutes, **amend** 37-21-106
16 as follows:

17 **37-21-106. Directors to qualify.** ~~Within ten days after receiving~~
18 ~~a certificate of election as provided in section 37-21-124, Each of said~~
19 ~~directors DIRECTOR shall take and subscribe the official AN oath and file~~
20 ~~the same together with his OR AFFIRMATION IN ACCORDANCE WITH~~
21 ~~SECTION 24-12-101 AND FILE THE DIRECTOR'S official bond in the office~~
22 ~~of the county clerk and recorder of the county where the organization of~~
23 ~~the district was effected. and thereupon assume the duties of his office.~~

24 **SECTION 35.** In Colorado Revised Statutes, **amend** 37-31-115
25 as follows:

26 **37-31-115. Canvass of vote - certificate of election.** Within
27 seven days after said election, the board shall meet at the office of the

1 drainage district for the purpose of canvassing the vote cast at said
2 election, and shall issue a certificate of election to the candidate receiving
3 the highest number of votes for said office, and shall file a statement of
4 the result of said election in the clerk and recorder's office of Mesa
5 county, Colorado. ~~Within ten days after receiving a certificate of election,~~
6 ~~The director certified to be elected shall take and subscribe the official AN~~
7 ~~oath and file the same, together with his official bond, in the office of the~~
8 ~~county clerk and recorder of Mesa county, Colorado, and thereupon~~
9 ~~assume the duties of his office~~ OR AFFIRMATION IN ACCORDANCE WITH
10 SECTION 24-12-101.

11 **SECTION 36.** In Colorado Revised Statutes, 37-41-106, **amend**
12 (2) as follows:

13 **37-41-106. Directors - election - term.** (2) ~~Within ten days~~ After
14 receiving their certificates of election provided for in section 37-41-112
15 (2), said officers shall take ~~and subscribe the official AN~~ oath ~~and file the~~
16 ~~same in the office of the county clerk and recorder wherein the~~
17 ~~organization was effected and on January 1 following shall assume the~~
18 ~~duties of their respective offices~~ OR AFFIRMATION IN ACCORDANCE WITH
19 SECTION 24-12-101. Each member of the board of directors shall execute
20 an official bond in the sum of three thousand dollars, which bond shall be
21 approved by the county judge of the county wherein such organization
22 was effected, and shall be recorded in the office of the county clerk and
23 recorder thereof. Such official bond may be signed by a surety company
24 authorized to do business in the state of Colorado, in which case the
25 district shall be liable for and shall pay premium on said bond. All official
26 bonds shall be in THE form prescribed by law for official bonds for county
27 officials; except that the obligee named in said bonds shall be to the

1 district and shall be filed with the county clerk and recorder at the same
2 time as the filing of the oath OR AFFIRMATION provided for in this section.

3 **SECTION 37.** In Colorado Revised Statutes, 37-44-126, **amend**
4 (2) as follows:

5 **37-44-126. Election of officers - oath or affirmation - bond.**

6 (2) ~~Within ten days~~ After receiving their certificates of election provided
7 for in section 37-44-135, said officers shall take ~~and subscribe the official~~
8 ~~AN oath and file the same in the office of the county clerk and recorder~~
9 ~~wherein the organization was effected and, January 1 following, shall~~
10 ~~assume the duties of their respective offices~~ OR AFFIRMATION IN
11 ACCORDANCE WITH SECTION 24-12-101. Each member of the board of
12 directors shall execute an official bond in the sum of five thousand
13 dollars, which bond shall be approved by the judge of the district court of
14 the county wherein such organization was effected and shall be filed in
15 the office of the county clerk and recorder thereof. All official bonds shall
16 be in the form prescribed by law for official bonds for county
17 commissioners; except that the obligee named in said bonds shall be the
18 internal improvement district and shall be filed with the county clerk and
19 recorder at the same time as the filing of the oath OR AFFIRMATION
20 REQUIRED BY THIS SECTION.

21 **SECTION 38.** In Colorado Revised Statutes, 37-45-115, **amend**
22 (1) as follows:

23 **37-45-115. Organization of the board of directors.** (1) ~~Before~~
24 ~~entering upon his official duties~~ Each director shall take ~~and subscribe to~~
25 ~~an oath before an officer authorized to administer oaths that he will~~
26 ~~support the constitutions of the United States and of the state of Colorado~~
27 ~~and will honestly, faithfully, and impartially perform the duties of his~~

1 ~~office and that he will not be interested directly or indirectly in any~~
2 ~~contract let by said district, which oath shall be filed in the office of the~~
3 ~~clerk of said court in the original case~~ OR AFFIRMATION IN ACCORDANCE
4 WITH SECTION 24-12-101.

5 **SECTION 39.** In Colorado Revised Statutes, **amend** 37-46-106
6 as follows:

7 **37-46-106. Vacancies - secretary and treasurer.** The office of
8 director shall become vacant when any member ceases to reside in the
9 county from which ~~he~~ THE DIRECTOR was appointed. In the event a
10 vacancy occurs in said office by reason of death, resignation, removal, or
11 otherwise, it shall be filled by the board of county commissioners of the
12 county from which said member originally came. ~~Before entering upon~~
13 ~~the discharge of his duties,~~ Each director shall take an oath to support and
14 defend the constitutions of the United States and of the state of Colorado
15 and to impartially, without fear or favor, discharge the duties of a director
16 of said district OR AFFIRMATION IN ACCORDANCE WITH SECTION
17 24-12-101. The board of directors of said district shall appoint a secretary
18 and a treasurer. The same individual may at the election of the board hold
19 both of said offices. The board shall likewise hire such other employees,
20 including engineers and attorneys, as may be required to properly transact
21 the business of the district, and said board is authorized to provide for the
22 compensation of the secretary and treasurer and other appointees. The
23 treasurer shall be required by the board to give bond with corporate surety
24 in such amount as the board may fix and which it deems sufficient to
25 protect the funds in the hands of the treasurer or under ~~his~~ THE
26 TREASURER'S control. Such bond is subject to the approval of the board.

27 **SECTION 40.** In Colorado Revised Statutes, **amend** 37-47-106

1 as follows:

2 **37-47-106. Vacancy in office of director.** The office of director
3 shall become vacant when any member ceases to reside in the county
4 from which ~~he~~ THE DIRECTOR was appointed. In the event a vacancy
5 occurs in said office by reason of death, resignation, removal, or
6 otherwise, it shall be filled by the board of county commissioners of the
7 county from which said member originally came. ~~Before entering upon~~
8 ~~the discharge of his duties,~~ Each director shall take an oath to support and
9 defend the constitutions of the United States and of the state of Colorado
10 and to impartially, without fear or favor, discharge the duties of a director
11 of said district OR AFFIRMATION IN ACCORDANCE WITH SECTION
12 24-12-101. The board of directors of said district shall appoint a secretary
13 and a treasurer. The same individual, at the election of the board, may
14 hold both of said offices. The board shall likewise hire such other
15 employees, including engineers and attorneys, as may be required to
16 properly transact the business of the district, and said board is authorized
17 to provide for the compensation of the secretary and treasurer and other
18 appointees. The treasurer shall be required by the board to give bond with
19 corporate surety in such amount as the board may fix and which it deems
20 sufficient to protect the funds in the hands of the treasurer or under ~~his~~
21 THE TREASURER'S control. Such bond is subject to the approval of the
22 board.

23 **SECTION 41.** In Colorado Revised Statutes, 37-48-103, **amend**
24 (2) as follows:

25 **37-48-103. Board of directors.** (2) The office of a director shall
26 become vacant when any director ceases to reside in the county from
27 which ~~he~~ THE DIRECTOR was appointed or when declared vacant by a

1 majority vote of all of the members of the board when any director has
2 failed to attend two consecutive regular meetings without having been
3 excused from attendance by the president. In the event a vacancy occurs
4 in said office by reason of death, resignation, removal, or otherwise, it
5 shall be filled for the remainder of the unexpired term by the board of
6 county commissioners of the county from which said director originally
7 came. ~~Before entering upon the discharge of his duties,~~ Each director
8 shall take an oath ~~to support and defend the constitutions of the United~~
9 ~~States and of the state of Colorado and to impartially, without fear or~~
10 ~~favor, discharge the duties of a director of said district~~ OR AFFIRMATION
11 IN ACCORDANCE WITH SECTION 24-12-101.

12 **SECTION 42.** In Colorado Revised Statutes, 37-50-104, **amend**
13 (2) as follows:

14 **37-50-104. Board of directors.** (2) The office of a director shall
15 become vacant when the director ceases to reside in the county or ground
16 water management district from which ~~he or she~~ THE DIRECTOR was
17 appointed, or in the case of the director appointed by the Colorado ground
18 water commission when the director ceases to reside in the district or is
19 no longer a member of the Colorado ground water commission, or when
20 declared vacant by a majority vote of all of the members of the board
21 when a director has failed to attend two consecutive regular meetings
22 without having been excused from attendance by the president. If a
23 vacancy occurs in the office by reason of death, resignation, removal, or
24 otherwise, it shall be filled for the remainder of the unexpired term by the
25 board of county commissioners of the county, or the ground water
26 management district from which the director was originally appointed.
27 ~~Before entering upon the discharge of his or her duties,~~ Each director

1 shall take an oath ~~to support and defend the constitutions of the United~~
2 ~~States and of this state and to impartially, without fear or favor, discharge~~
3 ~~the duties of a director of the district~~ OR AFFIRMATION IN ACCORDANCE
4 WITH SECTION 24-12-101.

5 **SECTION 43.** In Colorado Revised Statutes, 37-60-104, **amend**
6 (2) as follows:

7 **37-60-104. Personnel.** (2) The appointed members of said board
8 shall be chosen geographically as follows: Four from the western slope
9 and five from the eastern slope; but, of the five members to be appointed
10 from the eastern slope, one shall be from the Rio Grande drainage basin,
11 one from the North Platte drainage basin, one from the Arkansas drainage
12 basin, one from the South Platte drainage basin outside of the city and
13 county of Denver, and one from the city and county of Denver and
14 intimately familiar with its water problems; and that of the four members
15 to be appointed from the western slope, one shall be from the
16 Yampa-White drainage basin, one from the main Colorado drainage
17 basin, one from the Gunnison-Uncompahgre drainage basin, and one
18 from the San Miguel-Dolores-San Juan drainage basins. ~~Before entering~~
19 ~~upon the discharge of his duties,~~ Each appointed member shall ~~make,~~
20 ~~subscribe, and file with the secretary of state the~~ TAKE AN oath ~~prescribed~~
21 ~~by the constitution~~ OR AFFIRMATION IN ACCORDANCE WITH SECTION
22 24-12-101.

23 **SECTION 44.** In Colorado Revised Statutes, **amend** 37-90-126
24 as follows:

25 **37-90-126. Management district - directors - qualifications -**
26 **oath or affirmation - bond - vacancies.** The members of the board of
27 directors shall meet the qualifications established in section 37-90-121

1 (1)(b). Each member of the board shall take an oath ~~of office~~ OR
2 AFFIRMATION IN ACCORDANCE WITH SECTION 24-12-101, shall give bond
3 in the sum of five thousand dollars conditioned that he or she shall
4 faithfully perform the duties of director and of such further office to
5 which he or she may be elected in such district, and shall account for all
6 funds or property coming into his or her hands as such director or other
7 officer. Such bonds shall run to the district, shall be signed by a surety
8 approved by the ground water commission, and shall be filed and
9 recorded in the office of the state engineer. When such bond is so filed
10 and approved, such person so elected shall take and hold office until his
11 or her successor is elected and qualified. When a vacancy occurs on the
12 board, such vacancy shall be filled by the remaining members of the
13 board.

14 **SECTION 45.** In Colorado Revised Statutes, 37-92-204, **amend**
15 (3) as follows:

16 **37-92-204. Water clerks - duties.** (3) Subject to the approval of
17 the water judge, the water clerk in each division shall employ such
18 assistants and deputies as may be necessary for him OR HER to carry out
19 his OR HER duties. The water clerk, assistants, and deputies shall ~~execute~~
20 ~~such~~ TAKE AN oath ~~of office and~~ OR AFFIRMATION IN ACCORDANCE WITH
21 SECTION 24-12-101 AND FILE such bond as may be prescribed by the
22 supreme court.

23 **SECTION 46.** In Colorado Revised Statutes, 37-95-104, **amend**
24 (4) as follows:

25 **37-95-104. Establishment of authority - board of directors -**
26 **removal - organization - compensation - dissolution.** (4) Each member
27 may be removed from office by the governor for cause, after a public

1 hearing, and may be suspended by the governor pending the completion
2 of such hearing. Each member ~~before entering upon his duties,~~ shall take
3 ~~and subscribe~~ an oath ~~to perform the duties of his office faithfully,~~
4 ~~impartially, and justly to the best of his ability.~~ A record of all such oaths
5 ~~shall be filed in the office of the secretary of state~~ OR AFFIRMATION IN
6 ACCORDANCE WITH SECTION 24-12-101.

7 **SECTION 47.** In Colorado Revised Statutes, **amend** 38-36-113
8 as follows:

9 **38-36-113. Examiner of titles - compensation - oath or**
10 **affirmation - bond.** The judges of the district court in and for the judicial
11 districts for which they are elected or appointed shall appoint a competent
12 attorney in each county within their district as examiner of titles and legal
13 adviser of the registrar. The examiner of titles in each county shall be paid
14 in each case by the applicant such compensation as the judge of the
15 district court determines. Every examiner of titles shall ~~before entering~~
16 ~~upon the duties of his office,~~ take ~~and subscribe~~ an oath ~~of office to~~
17 ~~faithfully and impartially perform the duties of his office,~~ OR
18 AFFIRMATION IN ACCORDANCE WITH SECTION 24-12-101 and shall also
19 give a bond in such amount and with such sureties as shall be approved
20 by the judge of the district court, payable in like manner and with like
21 conditions as required of the registrar. A copy of the bond shall be entered
22 upon the records of said court and the original shall be filed with the
23 registrar.

24 **SECTION 48.** In Colorado Revised Statutes, **amend** 38-44-105
25 as follows:

26 **38-44-105. Oath or affirmation - assistants.** The commissioners
27 so appointed shall ~~subscribe and file with the clerk, within ten days from~~

1 ~~the date of their appointment, TAKE an oath for the faithful and impartial~~
2 ~~discharge of their duties~~ OR AFFIRMATION IN ACCORDANCE WITH SECTION
3 24-12-101 and shall have power to appoint all necessary assistants.

4 **SECTION 49.** In Colorado Revised Statutes, 43-1-106, **amend**
5 (5) as follows:

6 **43-1-106. Transportation commission - powers and duties -**
7 **repeal.** (5) All members of the commission ~~before entering upon the~~
8 ~~duties of their office,~~ shall take ~~the AN oath prescribed by the constitution~~
9 ~~of this state for state officers and file the same in the office of the~~
10 ~~secretary of state~~ OR AFFIRMATION IN ACCORDANCE WITH SECTION
11 24-12-101.

12 **SECTION 50. Act subject to petition - effective date.** This act
13 takes effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly (August
15 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
16 referendum petition is filed pursuant to section 1 (3) of article V of the
17 state constitution against this act or an item, section, or part of this act
18 within such period, then the act, item, section, or part will not take effect
19 unless approved by the people at the general election to be held in
20 November 2019 and, in such case, will take effect on the date of the
21 official declaration of the vote thereon by the governor.