

Section 1. Constitutional convention - how called.

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 twice that of the senate and they shall be elected in the same manner, at the same places, and in the same districts. 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; and vacancies occurring shall be filled in the manner provided for filling vacancies in the general assembly. Said convention shall meet within three months after such election and prepare such revisions, alterations or amendments to the constitution as may be deemed necessary; which shall be submitted to the electors for their ratification or rejection at an election appointed 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.

Source: Entire article added, effective August 1, 1876, see **L. 1877**, p. 74.

ANNOTATIONS

Am. Jur.2d. See 16 Am. Jur.2d, Constitutional Law, §§ 22-25.

C.J.S. See 16 C.J.S., Constitutional Law, §§ 29-38.

Law reviews. For article, "The Colorado Constitution", see 22 Dicta 29 (1945).

This section and § 39 of art. V, Colo. Const., are not in pari materia. The last relates to ordinary legislation, and the first to the calling of a convention for the amendment of the constitution. They are of equal dignity, and neither can be invoked to interfere with the operation of the other. *People ex rel. Stewart v. Ramer*, 62 Colo. 128, 160 P. 1032 (1916).

As amendment of constitution legislative, not an executive function. That which the general assembly is authorized to do by this article, relative to initiating proceedings to amend or change the fundamental law, is its business solely, with which the executive has nothing whatever to do. *People ex rel. Stewart v. Ramer*, 62 Colo. 128, 160 P. 1032 (1916).

Applied in *Lucas v. Forty-Fourth Gen. Ass'y*, 377 U.S. 713, 84 S. Ct. 1459, 12 L. Ed.2d 632 (1964).