

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

INTRODUCED

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.

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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.

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.

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

13 IT IS LAWFUL FOR A PERSON ELECTING TO SWEAR AN OATH TO "SWEAR BY  
14 THE EVERLIVING GOD" IF THAT PERSON SO CHOOSES.

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 SHALL 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. When an election is cancelled  
15 in whole or in part pursuant to section 1-13.5-513, ~~C.R.S.~~, each director  
16 who was declared elected shall take ~~the~~ AN oath ~~required by this~~  
17 ~~subsection (1) within thirty days after the date of the regular election,~~  
18 ~~except for good cause shown. The oath may be administered by the~~  
19 ~~county clerk and recorder, by the clerk of the court, by any person~~  
20 ~~authorized to administer oaths in this state, or by the chairman of the~~  
21 ~~board and shall be filed with the clerk of the court and with the division~~  
22 OR AFFIRMATION IN ACCORDANCE WITH SECTION 24-12-101.

23 (2) ~~At the time of filing said oath, there shall also be filed for each~~  
24 ~~director an individual, schedule, or blanket surety~~ EACH DIRECTOR SHALL  
25 FILE A bond at the expense of the special district, in an amount determined  
26 by the board of not less than one thousand dollars each, conditioned upon  
27 the faithful performance of his OR HER duties as director.

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

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

8 **35-70-105. Hearing on petition - election.** (5) (e) (II) The  
9 candidates, according to the number of supervisors to be elected,  
10 receiving the most votes cast shall be elected. The supervisors elected  
11 shall take ~~office upon the taking of~~ an oath OR AFFIRMATION IN  
12 ACCORDANCE WITH SECTION 24-12-101 and, if required by the state or  
13 local board, ~~the filing of~~ FILE a bond in the same manner as specified in  
14 section 32-1-901. ~~C.R.S.~~ Failure to take ~~the~~ AN oath OR AFFIRMATION IN  
15 ACCORDANCE WITH SECTION 24-12-101 or TO furnish a bond, if required,  
16 except for good cause shown, shall create a vacancy in the office, and the  
17 vacancy shall be filled by the next candidate receiving the highest number  
18 of votes in the case of a new district or by the remaining supervisors as  
19 specified in section 35-70-107 (4).

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

22 **37-3-102. Oath or affirmation - organization.** Each director  
23 ~~before entering upon his or her official duties,~~ shall take ~~and subscribe to~~  
24 an oath ~~before an officer authorized to administer oaths,~~ that the director  
25 ~~will honestly, faithfully, and impartially perform the duties of his or her~~  
26 office ~~and that he or she will not be interested directly or indirectly in any~~  
27 contract let by said district, ~~which oath shall be filed in the office of the~~

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

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

14           **37-21-106. Directors to qualify.** ~~Within ten days after receiving~~  
15 ~~a certificate of election as provided in section 37-21-124,~~ Each of said  
16 ~~directors~~ DIRECTOR shall take ~~and subscribe the official~~ AN oath ~~and file~~  
17 ~~the same together with his~~ OR AFFIRMATION IN ACCORDANCE WITH  
18 SECTION 24-12-101 AND FILE THE DIRECTOR'S official bond in the office  
19 of the county clerk and recorder of the county where the organization of  
20 the district was effected. ~~and thereupon assume the duties of his office.~~

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

23           **37-31-115. Canvass of vote - certificate of election.** Within  
24 seven days after said election, the board shall meet at the office of the  
25 drainage district for the purpose of canvassing the vote cast at said  
26 election, and shall issue a certificate of election to the candidate receiving  
27 the highest number of votes for said office, and shall file a statement of

1 the result of said election in the clerk and recorder's office of Mesa  
2 county, Colorado. ~~Within ten days after receiving a certificate of election,~~  
3 ~~The director certified to be elected shall take and subscribe the official AN~~  
4 ~~oath and file the same, together with his official bond, in the office of the~~  
5 ~~county clerk and recorder of Mesa county, Colorado, and thereupon~~  
6 ~~assume the duties of his office~~ OR AFFIRMATION IN ACCORDANCE WITH  
7 SECTION 24-12-101.

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

10 **37-41-106. Directors - election - term.** (2) ~~Within ten days~~ After  
11 receiving their certificates of election provided for in section 37-41-112  
12 (2), said officers shall take ~~and subscribe the official AN~~ oath ~~and file the~~  
13 ~~same in the office of the county clerk and recorder wherein the~~  
14 ~~organization was effected and on January 1 following shall assume the~~  
15 ~~duties of their respective offices~~ OR AFFIRMATION IN ACCORDANCE WITH  
16 SECTION 24-12-101. Each member of the board of directors shall execute  
17 an official bond in the sum of three thousand dollars, which bond shall be  
18 approved by the county judge of the county wherein such organization  
19 was effected, and shall be recorded in the office of the county clerk and  
20 recorder thereof. Such official bond may be signed by a surety company  
21 authorized to do business in the state of Colorado, in which case the  
22 district shall be liable for and shall pay premium on said bond. All official  
23 bonds shall be in THE form prescribed by law for official bonds for county  
24 officials; except that the obligee named in said bonds shall be to the  
25 district and shall be filed with the county clerk and recorder at the same  
26 time as the filing of the oath OR AFFIRMATION provided for in this section.

27 **SECTION 37.** In Colorado Revised Statutes, 37-44-126, **amend**

1 (2) as follows:

2 **37-44-126. Election of officers - oath or affirmation - bond.**

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

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

20 **37-45-115. Organization of the board of directors.** (1) ~~Before~~  
21 ~~entering upon his official duties~~ Each director shall take ~~and subscribe to~~  
22 ~~an oath before an officer authorized to administer oaths that he will~~  
23 ~~support the constitutions of the United States and of the state of Colorado~~  
24 ~~and will honestly, faithfully, and impartially perform the duties of his~~  
25 ~~office and that he will not be interested directly or indirectly in any~~  
26 ~~contract let by said district, which oath shall be filed in the office of the~~  
27 ~~clerk of said court in the original case~~ OR AFFIRMATION IN ACCORDANCE

1 WITH SECTION 24-12-101.

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

4 **37-46-106. Vacancies - secretary and treasurer.** The office of  
5 director shall become vacant when any member ceases to reside in the  
6 county from which ~~he~~ THE DIRECTOR was appointed. In the event a  
7 vacancy occurs in said office by reason of death, resignation, removal, or  
8 otherwise, it shall be filled by the board of county commissioners of the  
9 county from which said member originally came. ~~Before entering upon~~  
10 ~~the discharge of his duties,~~ Each director shall take an oath to support and  
11 ~~defend the constitutions of the United States and of the state of Colorado~~  
12 ~~and to impartially, without fear or favor, discharge the duties of a director~~  
13 ~~of said district~~ OR AFFIRMATION IN ACCORDANCE WITH SECTION  
14 24-12-101. The board of directors of said district shall appoint a secretary  
15 and a treasurer. The same individual may at the election of the board hold  
16 both of said offices. The board shall likewise hire such other employees,  
17 including engineers and attorneys, as may be required to properly transact  
18 the business of the district, and said board is authorized to provide for the  
19 compensation of the secretary and treasurer and other appointees. The  
20 treasurer shall be required by the board to give bond with corporate surety  
21 in such amount as the board may fix and which it deems sufficient to  
22 protect the funds in the hands of the treasurer or under ~~his~~ THE  
23 TREASURER'S control. Such bond is subject to the approval of the board.

24 **SECTION 40.** In Colorado Revised Statutes, **amend** 37-47-106  
25 as follows:

26 **37-47-106. Vacancy in office of director.** The office of director  
27 shall become vacant when any member ceases to reside in the county

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

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

22 **37-48-103. Board of directors.** (2) The office of a director shall  
23 become vacant when any director ceases to reside in the county from  
24 which ~~he~~ THE DIRECTOR was appointed or when declared vacant by a  
25 majority vote of all of the members of the board when any director has  
26 failed to attend two consecutive regular meetings without having been  
27 excused from attendance by the president. In the event a vacancy occurs

1 in said office by reason of death, resignation, removal, or otherwise, it  
2 shall be filled for the remainder of the unexpired term by the board of  
3 county commissioners of the county from which said director originally  
4 came. ~~Before entering upon the discharge of his duties,~~ Each director  
5 shall take an oath ~~to support and defend the constitutions of the United~~  
6 ~~States and of the state of Colorado and to impartially, without fear or~~  
7 ~~favor, discharge the duties of a director of said district~~ OR AFFIRMATION  
8 IN ACCORDANCE WITH SECTION 24-12-101.

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

11 **37-50-104. Board of directors.** (2) The office of a director shall  
12 become vacant when the director ceases to reside in the county or ground  
13 water management district from which ~~he or she~~ THE DIRECTOR was  
14 appointed, or in the case of the director appointed by the Colorado ground  
15 water commission when the director ceases to reside in the district or is  
16 no longer a member of the Colorado ground water commission, or when  
17 declared vacant by a majority vote of all of the members of the board  
18 when a director has failed to attend two consecutive regular meetings  
19 without having been excused from attendance by the president. If a  
20 vacancy occurs in the office by reason of death, resignation, removal, or  
21 otherwise, it shall be filled for the remainder of the unexpired term by the  
22 board of county commissioners of the county, or the ground water  
23 management district from which the director was originally appointed.  
24 ~~Before entering upon the discharge of his or her duties,~~ Each director  
25 shall take an oath ~~to support and defend the constitutions of the United~~  
26 ~~States and of this state and to impartially, without fear or favor, discharge~~  
27 ~~the duties of a director of the district~~ OR AFFIRMATION IN ACCORDANCE



1 WITH SECTION 24-12-101.

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

4 **37-60-104. Personnel.** (2) The appointed members of said board  
5 shall be chosen geographically as follows: Four from the western slope  
6 and five from the eastern slope; but, of the five members to be appointed  
7 from the eastern slope, one shall be from the Rio Grande drainage basin,  
8 one from the North Platte drainage basin, one from the Arkansas drainage  
9 basin, one from the South Platte drainage basin outside of the city and  
10 county of Denver, and one from the city and county of Denver and  
11 intimately familiar with its water problems; and that of the four members  
12 to be appointed from the western slope, one shall be from the  
13 Yampa-White drainage basin, one from the main Colorado drainage  
14 basin, one from the Gunnison-Uncompahgre drainage basin, and one  
15 from the San Miguel-Dolores-San Juan drainage basins. ~~Before entering~~  
16 ~~upon the discharge of his duties,~~ Each appointed member shall ~~make,~~  
17 ~~subscribe, and file with the secretary of state the~~ TAKE AN oath ~~prescribed~~  
18 ~~by the constitution~~ OR AFFIRMATION IN ACCORDANCE WITH SECTION  
19 24-12-101.

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

22 **37-90-126. Management district - directors - qualifications -**  
23 **oath or affirmation - bond - vacancies.** The members of the board of  
24 directors shall meet the qualifications established in section 37-90-121  
25 (1)(b). Each member of the board shall take an oath ~~of office~~ OR  
26 AFFIRMATION IN ACCORDANCE WITH SECTION 24-12-101, shall give bond  
27 in the sum of five thousand dollars conditioned that he or she shall

1 faithfully perform the duties of director and of such further office to  
2 which he or she may be elected in such district, and shall account for all  
3 funds or property coming into his or her hands as such director or other  
4 officer. Such bonds shall run to the district, shall be signed by a surety  
5 approved by the ground water commission, and shall be filed and  
6 recorded in the office of the state engineer. When such bond is so filed  
7 and approved, such person so elected shall take and hold office until his  
8 or her successor is elected and qualified. When a vacancy occurs on the  
9 board, such vacancy shall be filled by the remaining members of the  
10 board.

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

13 **37-92-204. Water clerks - duties.** (3) Subject to the approval of  
14 the water judge, the water clerk in each division shall employ such  
15 assistants and deputies as may be necessary for him OR HER to carry out  
16 his OR HER duties. The water clerk, assistants, and deputies shall ~~execute~~  
17 ~~such~~ TAKE AN oath of office and OR AFFIRMATION IN ACCORDANCE WITH  
18 SECTION 24-12-101 AND FILE such bond as may be prescribed by the  
19 supreme court.

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

22 **37-95-104. Establishment of authority - board of directors -**  
23 **removal - organization - compensation - dissolution.** (4) Each member  
24 may be removed from office by the governor for cause, after a public  
25 hearing, and may be suspended by the governor pending the completion  
26 of such hearing. Each member ~~before entering upon his duties,~~ shall take  
27 ~~and subscribe an oath to perform the duties of his office faithfully,~~

1 ~~impartially, and justly to the best of his ability. A record of all such oaths~~  
2 ~~shall be filed in the office of the secretary of state~~ OR AFFIRMATION IN  
3 ACCORDANCE WITH SECTION 24-12-101.

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

6 **38-36-113. Examiner of titles - compensation - oath or**  
7 **affirmation - bond.** The judges of the district court in and for the judicial  
8 districts for which they are elected or appointed shall appoint a competent  
9 attorney in each county within their district as examiner of titles and legal  
10 adviser of the registrar. The examiner of titles in each county shall be paid  
11 in each case by the applicant such compensation as the judge of the  
12 district court determines. Every examiner of titles shall ~~before entering~~  
13 ~~upon the duties of his office, take and subscribe~~ an oath of office to  
14 ~~faithfully and impartially perform the duties of his office,~~ OR  
15 AFFIRMATION IN ACCORDANCE WITH SECTION 24-12-101 and shall also  
16 give a bond in such amount and with such sureties as shall be approved  
17 by the judge of the district court, payable in like manner and with like  
18 conditions as required of the registrar. A copy of the bond shall be entered  
19 upon the records of said court and the original shall be filed with the  
20 registrar.

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

23 **38-44-105. Oath or affirmation - assistants.** The commissioners  
24 so appointed shall ~~subscribe and file with the clerk, within ten days from~~  
25 ~~the date of their appointment,~~ TAKE an oath for the faithful and impartial  
26 ~~discharge of their duties~~ OR AFFIRMATION IN ACCORDANCE WITH SECTION  
27 24-12-101 and shall have power to appoint all necessary assistants.

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

3           **43-1-106. Transportation commission - powers and duties -**  
4 **repeal.** (5) All members of the commission ~~before entering upon the~~  
5 ~~duties of their office,~~ shall take the AN oath ~~prescribed by the constitution~~  
6 ~~of this state for state officers and file the same in the office of the~~  
7 ~~secretary of state~~ OR AFFIRMATION IN ACCORDANCE WITH SECTION  
8 24-12-101.

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