

Section 1. Officers - terms of office.

(1) The executive department shall include the governor, lieutenant governor, secretary of state, state treasurer, and attorney general, each of whom shall hold his office for the term of four years, commencing on the second Tuesday of January in the year 1967, and each fourth year thereafter. They shall perform such duties as are prescribed by this constitution or by law.

(2) In order to broaden the opportunities for public service and to guard against excessive concentrations of power, no governor, lieutenant governor, secretary of state, state treasurer, or attorney general shall serve more than two consecutive terms in such office. This limitation on the number of terms shall apply to terms of office beginning on or after January 1, 1991. Any person who succeeds to the office of governor or is appointed or elected to fill a vacancy in one of the other offices named in this section, and who serves at least one-half of a term of office, shall be considered to have served a term in that office for purposes of this subsection (2). Terms are considered consecutive unless they are at least four years apart.

Source: Entire article added, effective August 1, 1876, see **L. 1877**, p. 33. **L. 56:** Entire section amended, see **L. 57**, p. 792. **L. 64:** Entire section amended, p. 837. **Initiated 90:** Entire section amended, effective upon proclamation of the Governor, **L. 91**, p. 2035, January 3, 1991.

Cross references: For provisions concerning the office of the governor, see part 1 of article 20 of title 24; for provisions concerning the office of the secretary of state, see article 21 of title 24; for provisions concerning the office of the state treasurer, see article 22 of title 24; for the powers and duties of the attorney general, see § 24-31-101.

ANNOTATIONS

Law reviews. For article, "Constitutional Regulation of Legislative Procedure in Colorado", see 3 Rocky Mt. L. Rev. 38 (1930). For article, "The Constitutionality of Term Limitation", see 19 Colo. Law. 2193 (1990).

Purpose of section. The purpose of this section is to provide for such officers of the executive department as the members of the constitutional convention deemed absolutely indispensable; leaving it to the general assembly to create new offices as the growth of the state and experience might suggest, and to abolish the same, but without authority to abolish any of those enumerated. *Parks v. Commissioners of Soldiers' & Sailors' Home*, 22 Colo. 86, 43 P. 542 (1896); *People ex rel. Foley v. Montez*, 48 Colo. 436, 110 P. 639 (1910).

Section did not intend to limit executive officers. In declaring what officers should constitute the executive department of the state, it was not intended that the general assembly should not create new executive officers. Such a presumption would do violence to the intelligence of the framers of that instrument, and of the people who adopted it. *Parks v. Commissioners of Soldiers' & Sailors' Home*, 22 Colo. 86, 43 P. 542 (1896).

Governor derives his authority from constitution and laws enacted pursuant thereto. Colo. Polytechnic Coll. v. State Bd. for Cmty. Colls., 173 Colo. 39, 476 P.2d 38 (1970).

And action by governor in excess of authority deemed void. Where no constitutional or legislative authority, express or implied, is to be found conferring an appointive power upon the governor or authority upon the state board for community colleges and occupational education to act on behalf of the federal government, the governor's designation of the state board as the "state approving agency" for approval or nonapproval of courses offered to veterans was without lawful authority and a nullity. Colo. Polytechnic Coll. v. State Bd. for Cmty. Colls., 173 Colo. 39, 476, P.2d 38 (1970).

This section created office of attorney general, made the incumbent thereof an executive officer of the state, and required him to perform such duties as may be prescribed by the constitution or by law. People v. Gibson, 53 Colo. 231, 125 P. 531, 1914B Ann. Cas. 138 (1912).

The office of the attorney general only has powers given by the general assembly and common law unless the general assembly repeals a common law power. People ex rel. Tooley v. District Court, 190 Colo. 486, 549 P.2d 774 (1976); People ex rel. Salazar v. Davidson, 79 P.3d 1221 (2003).

Though the attorney general and the district attorney are constitutional officers in this state, their powers and duties are not specified in the constitution itself, but are such as the general assembly by legislative act may prescribe. Colo. State Bd. of Pharmacy v. Hallett, 88 Colo. 331, 296 P. 540 (1931).

And no constitutionally exclusive right to prosecute state's civil actions. There is no constitutional provision which confers upon the attorney general the exclusive right to prosecute and defend civil actions in behalf of the state. Colo. State Bd. of Pharmacy v. Hallett, 88 Colo. 331, 296 P. 540 (1931).

As Colorado has neither identified nor required attorney general to serve as "people's elected chief law officer", as some states have. People ex rel. Tooley v. District Court, 190 Colo. 486, 549 P.2d 774 (1976). But see People ex rel. Salazar v. Davidson, 79 P.3d 1221 (2003).

State board of assessors deemed executive, though not constitutionally defined. The state board of assessors is not part of the executive department as defined by the constitution, but it cannot be seriously contended that it is not part of the executive branch of the state government, in the comprehensive sense in which executive is used when government is divided into three distinct branches. People ex rel. Alexander v. District Court, 29 Colo. 182, 68 P. 242 (1901).

Applied in People ex rel. Walker v. Capp, 61 Colo. 396, 158 P. 143 (1916); Guyer v. Stutt, 68 Colo. 422, 191 P. 120 (1920); People ex rel. Brown v. District Court, 196 Colo. 359, 585 P.2d 593 (1978); Hedstrom v. Motor Vehicle Div., 662 P.2d 173 (Colo. 1983).