

### **Section 3. State officers - election - returns.**

The officers named in section one of this article shall be chosen on the day of the general election, by the registered electors of the state. The governor and the lieutenant governor shall be chosen jointly by the casting by each voter of a single vote applicable to both offices. The returns of every election for said officers shall be sealed up and transmitted to the secretary of state, directed to the speaker of the house of representatives, who shall immediately, upon the organization of the house, and before proceeding to other business, open and publish the same in the presence of a majority of the members of both houses of the general assembly, who shall for that purpose assemble in the house of representatives. The joint candidates having the highest number of votes cast for governor and lieutenant governor, and the person having the highest number of votes for any other office, shall be declared duly elected, but if two or more have an equal and the highest number of votes for the same office or offices, one of them, or any two for whom joint votes were cast for governor and lieutenant governor respectively, shall be chosen thereto by the two houses, on joint ballot. Contested elections for the said offices shall be determined by the two houses, on joint ballot, in such manner as may be prescribed by law.

**Source:** Entire article added, effective August 1, 1876, see **L. 1877**, p. 33. **L. 67:** Entire section amended, p. 1083. **L. 84:** Entire section amended, p. 1143, effective upon proclamation of the Governor, **L. 85**, p. 1791, January 14, 1985.

**Cross references:** For elections generally, see articles 1 to 13.5 of title 1; for state and district officers, see § 1-4-204; for the proceedings to contest the election of state officers, see § 1-11-205; for rules for conducting contests for state officers, see § 1-11-207.

### **ANNOTATIONS**

**Duty does not make speaker state officer.** There is no substantial reason for concluding that the duty of receiving, opening, and publishing the election returns for officers of the executive department before both houses of the general assembly was devolved upon the speaker on the ground that he was a state officer; nor does the devolving of such duty upon the speaker in any way tend to make him a state officer any more than it makes state officers of all the members of the general assembly who are required to participate in the canvass of such returns. It seems far more probable that the lieutenant governor is exempted from such duty because he is a state officer. In re Speakership of House of Representatives, 15 Colo. 520, 25 P. 707 (1890).