

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 10-0499.02 Troy Bratton

SENATE BILL 10-070

SENATE SPONSORSHIP

Kester,

HOUSE SPONSORSHIP

McCann,

Senate Committees
State, Veterans & Military Affairs

House Committees
State, Veterans, & Military Affairs

A BILL FOR AN ACT

101 **CONCERNING A STATUTORY MECHANISM FOR THE REFERRAL OF A**
102 **BALLOT QUESTION REGARDING THE TERM LIMIT OF A DISTRICT**
103 **ATTORNEY.**

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://www.leg.state.co.us/billsummaries>.)

The bill provides an explicit statutory mechanism for the referral of ballot questions that seek to modify the limitations on terms of office for district attorneys to the eligible electors of single-county or multiple-county judicial districts pursuant to the state constitution.

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

HOUSE
Am ended 2nd Reading
April 14, 2010

SENATE
3rd Reading Unamended
March 23, 2010

SENATE
Am ended 2nd Reading
March 19, 2010

1 FUNDAMENTAL CHARACTERISTIC OF REPRESENTING THE PEOPLE OF THE
2 JUDICIAL DISTRICT IN ORDER TO PROTECT THEIR HEALTH, SAFETY, AND
3 WELFARE; AND

4 (c) JUDICIAL DISTRICTS DO NOT HAVE A CLEARLY IDENTIFIED
5 GOVERNING BODY WITH THE EXPLICIT AUTHORITY TO CALL AND CONDUCT
6 ELECTIONS.

7 (2) THEREFORE, IT IS THE INTENT OF THE GENERAL ASSEMBLY
8 THAT THIS PART 14 PROVIDE AN EXPLICIT STATUTORY MECHANISM FOR
9 THE REFERRAL OF BALLOT QUESTIONS THAT SEEK TO LENGTHEN, SHORTEN,
10 OR ELIMINATE THE LIMITATIONS ON TERMS OF OFFICE FOR DISTRICT
11 ATTORNEYS TO THE ELIGIBLE ELECTORS OF A JUDICIAL DISTRICT PURSUANT
12 TO SUBSECTION (2) OF SECTION 11 OF ARTICLE XVIII OF THE STATE
13 CONSTITUTION.

14 **1-4-1402. Applicability of part.** THIS PART 14 SHALL APPLY TO
15 ANY BALLOT QUESTION THAT SEEKS TO LENGTHEN, SHORTEN, OR
16 ELIMINATE THE LIMITATIONS ON TERMS OF OFFICE FOR A DISTRICT
17 ATTORNEY PURSUANT TO SUBSECTION (2) OF SECTION 11 OF ARTICLE
18 XVIII OF THE STATE CONSTITUTION. ELECTIONS IN WHICH SUCH BALLOT
19 QUESTIONS APPEAR ON THE BALLOT SHALL BE CONDUCTED PURSUANT TO
20 THE PROVISIONS OF THIS CODE UNLESS OTHERWISE PROVIDED FOR IN THIS
21 PART 14.

22 **1-4-1403. Referral of question in single-county judicial**
23 **districts.** FOR A JUDICIAL DISTRICT WHOSE TERRITORY IS COMPRISED
24 ENTIRELY OF ONE COUNTY, THE BOARD OF COUNTY COMMISSIONERS FOR
25 THAT COUNTY SHALL BE THE GOVERNING BODY TO REFER ANY BALLOT
26 QUESTION TO THE ELIGIBLE ELECTORS OF THE JUDICIAL DISTRICT
27 REGARDING THE LENGTHENING, SHORTENING, OR ELIMINATION OF THE

1 LIMITATION ON TERMS OF OFFICE FOR THE DISTRICT ATTORNEY OF THE
2 JUDICIAL DISTRICT.

3 **1-4-1404. Referral of question in multiple-county judicial**
4 **districts.** (1) FOR A JUDICIAL DISTRICT WHOSE TERRITORY IS COMPRISED
5 OF MORE THAN ONE COUNTY, THE BOARDS OF COUNTY COMMISSIONERS OF
6 EACH COUNTY SITUATED WITHIN THE JUDICIAL DISTRICT SHALL BE THE
7 GOVERNING BODIES TO REFER ANY BALLOT QUESTION TO THE ELIGIBLE
8 ELECTORS OF THEIR RESPECTIVE COUNTIES REGARDING THE LENGTHENING,
9 SHORTENING, OR ELIMINATION OF THE LIMITATION ON TERMS OF OFFICE
10 FOR THE DISTRICT ATTORNEY OF THE JUDICIAL DISTRICT IMPOSED BY
11 SECTION 11 OF ARTICLE XVIII OF THE STATE CONSTITUTION.

12 (2) ANY SUCH BALLOT QUESTION SHALL APPEAR ON THE BALLOT
13 IN EACH COUNTY SITUATED WITHIN THE JUDICIAL DISTRICT AT THE SAME
14 ELECTION. THE WORDING OF THE BALLOT QUESTION SHALL BE
15 SUBSTANTIALLY IDENTICAL IN EACH COUNTY SITUATED WITHIN THE
16 JUDICIAL DISTRICT AND THE ALPHABETICAL, NUMERICAL, OR
17 ALPHANUMERICAL DESIGNATION USED TO IDENTIFY THE MEASURE SHALL
18 BE IDENTICAL ON EACH BALLOT THAT INCLUDES THE MEASURE.

19 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF SUCH A
20 MEASURE IS APPROVED BY THE ELIGIBLE ELECTORS OF A COUNTY
21 SITUATED WITHIN THE JUDICIAL DISTRICT BUT WAS NOT REFERRED TO OR
22 APPROVED BY THE ELIGIBLE ELECTORS OF EACH COUNTY SITUATED WITHIN
23 THE JUDICIAL DISTRICT AT THE SAME ELECTION OR IF THE WORDING OF THE
24 MEASURE WAS NOT SUBSTANTIALLY IDENTICAL IN EACH COUNTY
25 SITUATED WITHIN THE JUDICIAL DISTRICT, SUCH MEASURE SHALL BE
26 DEEMED VOID.

27 **1-4-1405. Coordinated or general election ballot.** (1) ANY

1 BALLOT QUESTION THAT SEEKS TO LENGTHEN, SHORTEN, OR ELIMINATE
2 THE LIMITATIONS ON TERMS OF OFFICE FOR A DISTRICT ATTORNEY SHALL
3 ONLY BE SUBMITTED TO THE VOTERS OF A JUDICIAL DISTRICT AT A
4 COORDINATED OR GENERAL ELECTION.

5 (2) ANY SUCH BALLOT QUESTION SHALL APPEAR ON THE OFFICIAL
6 BALLOT USED IN EACH COUNTY IN A JUDICIAL DISTRICT AND SHALL BE
7 A SEPARATE QUESTION FROM ANY OTHER BALLOT QUESTIONS SEEKING TO
8 LENGTHEN, SHORTEN, OR ELIMINATE THE LIMITATIONS ON TERMS OF
9 OFFICE FOR ANY OTHER ELECTED OFFICIALS.

10 **1-4-1406. County clerk and recorder designated election**
11 **official - certification of results to secretary of state.** (1) IN ADDITION
12 TO HIS OR HER DUTIES REGARDING THE GENERAL SURVEY OF RETURNS
13 SPECIFIED IN ARTICLE 10 OF THIS TITLE, THE COUNTY CLERK AND
14 RECORDER OF ANY COUNTY REFERRING A BALLOT QUESTION SEEKING TO
15 LENGTHEN, SHORTEN, OR ELIMINATE THE LIMITATIONS ON TERMS OF
16 OFFICE FOR A DISTRICT ATTORNEY SHALL:

17 (a) ACT AS THE DESIGNATED ELECTION OFFICIAL FOR THE
18 ELECTION IN WHICH THE BALLOT QUESTION APPEARS ON THE BALLOT; AND

19 (b) NO LATER THAN THE EIGHTEENTH DAY AFTER THE ELECTION IN
20 WHICH THE BALLOT QUESTION APPEARS ON THE BALLOT, CERTIFY THE
21 TOTAL NUMBER OF VOTES CAST FOR AND AGAINST THE BALLOT QUESTION
22 AND TRANSMIT THE CERTIFICATION TO THE SECRETARY OF STATE.

23 (2) UPON RECEIPT OF THE CERTIFICATIONS TRANSMITTED
24 PURSUANT TO PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION, THE
25 SECRETARY OF STATE SHALL COMPILE THE RESULTS RECEIVED FROM EACH
26 COUNTY SITUATED WITHIN THE JUDICIAL DISTRICT AND DETERMINE
27 WHETHER THE MEASURE WAS APPROVED BY THE ELIGIBLE ELECTORS OF

1 THE JUDICIAL DISTRICT AS A WHOLE. THE SECRETARY SHALL CERTIFY THE
2 RESULTS IN THE MANNER PROVIDED BY LAW.

3 **1-4-1407. Initiative - petition.** (1) (a) NOTWITHSTANDING ANY
4 OTHER PROVISION OF LAW, THE REGISTERED ELECTORS OF A COUNTY MAY
5 SUBMIT TO THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY A
6 PROPOSED BALLOT QUESTION REGARDING LENGTHENING, SHORTENING, OR
7 ELIMINATING OF THE LIMITATION ON TERMS OF OFFICE FOR THE DISTRICT
8 ATTORNEY OF THE JUDICIAL DISTRICT IMPOSED BY SECTION 11 OF ARTICLE
9 XVIII OF THE STATE CONSTITUTION. THE REGISTERED ELECTORS MAY
10 COMMENCE THE INITIATIVE PROCESS BY FILING WRITTEN NOTICE OF THE
11 PROPOSED BALLOT QUESTION WITH THE COUNTY CLERK AND RECORDER
12 AND SUBSEQUENTLY, WITHIN ONE HUNDRED EIGHTY DAYS AFTER
13 APPROVAL OF THE PETITION PURSUANT TO SUBSECTION (2) OF THIS
14 SECTION BUT NO LESS THAN ONE HUNDRED FORTY DAYS PRIOR TO THE
15 NEXT SCHEDULED COORDINATED OR GENERAL ELECTION, BY FILING A
16 PETITION SIGNED BY REGISTERED ELECTORS OF THE COUNTY IN AN
17 AMOUNT EQUAL TO AT LEAST FIVE PERCENT OF THE TOTAL NUMBER OF
18 VOTES CAST IN THE COUNTY FOR ALL CANDIDATES FOR THE OFFICE OF
19 DISTRICT ATTORNEY AT THE PREVIOUS GENERAL ELECTION.

20 (b) UPON THE RECEIPT AND VERIFICATION OF THE INITIATIVE
21 PETITION PURSUANT TO THIS SECTION, THE BOARD OF COUNTY
22 COMMISSIONERS SHALL REFER THE PROPOSED BALLOT QUESTION, IN THE
23 FORM PETITIONED FOR, TO THE REGISTERED ELECTORS OF THE COUNTY AT
24 THE NEXT SCHEDULED COORDINATED OR GENERAL ELECTION, WHICHEVER
25 OCCURS FIRST.

26 (2) (a) EACH INITIATIVE PETITION FILED PURSUANT TO SUBSECTION
27 (1) OF THIS SECTION SHALL BE PRINTED IN A FORM CONSISTENT WITH THIS

1 SUBSECTION (2). NO PETITION SHALL BE PRINTED OR CIRCULATED UNLESS
2 THE FORM AND THE FIRST PRINTER'S PROOF OF THE PETITION SECTION HAVE
3 FIRST BEEN SUBMITTED TO THE COUNTY CLERK AND RECORDER APPROVED
4 BY THE COUNTY CLERK AND RECORDER. THE COUNTY CLERK AND
5 RECORDER SHALL APPROVE OR REJECT THE FORM AND THE FIRST PRINTER'S
6 PROOF OF THE PETITION NO LATER THAN FIVE BUSINESS DAYS FOLLOWING
7 THE DATE ON WHICH THE COUNTY CLERK AND RECORDER RECEIVED SUCH
8 MATERIAL. THE COUNTY CLERK AND RECORDER SHALL ASSURE THAT THE
9 PETITION SECTION CONTAINS ONLY THOSE ELEMENTS REQUIRED BY THIS
10 SECTION AND CONTAINS NO EXTRANEOUS MATERIAL.

11 (b) EACH PETITION SECTION SHALL DESIGNATE BY NAME AND
12 MAILING ADDRESS TWO PERSONS WHO SHALL REPRESENT THE PROPONENTS
13 THEREOF ON ALL MATTERS AFFECTING THE INITIATIVE PETITION AND TO
14 WHOM ALL NOTICES OR INFORMATION CONCERNING THE PETITION SHALL
15 BE MAILED.

16 (c) (I) AT THE TOP OF EACH PAGE OF EVERY INITIATIVE PETITION
17 SECTION, THE FOLLOWING SHALL BE PRINTED, IN A FORM AS PRESCRIBED
18 BY THE COUNTY CLERK AND RECORDER:

19 **"WARNING:**

20 **IT IS AGAINST THE LAW:**

21 FOR ANYONE TO SIGN ANY INITIATIVE PETITION WITH ANY NAME OTHER
22 THAN HIS OR HER OWN, OR TO KNOWINGLY SIGN HIS OR HER NAME MORE
23 THAN ONCE FOR THE SAME MEASURE, OR TO KNOWINGLY SIGN A PETITION
24 WHEN NOT A REGISTERED ELECTOR WHO IS ELIGIBLE TO VOTE ON THE
25 MEASURE.

26 **DO NOT SIGN THIS PETITION UNLESS YOU ARE A**
27 **REGISTERED ELECTOR AND ELIGIBLE TO VOTE ON**

1 **THIS MEASURE. TO BE A REGISTERED ELECTOR,**
2 **YOU MUST BE A CITIZEN OF COLORADO AND**
3 **REGISTERED TO VOTE.**

4 DO NOT SIGN THIS PETITION UNLESS YOU HAVE READ OR HAVE HAD READ
5 TO YOU THE PROPOSED INITIATIVE OR THE SUMMARY IN ITS ENTIRETY AND
6 UNDERSTAND ITS MEANING."

7 (II) A SUMMARY OF THE PROPOSED BALLOT QUESTION THAT IS THE
8 SUBJECT OF AN INITIATIVE PETITION SHALL BE PRINTED FOLLOWING THE
9 WARNING ON EACH PAGE OF A PETITION SECTION. THE SUMMARY SHALL
10 BE TRUE AND IMPARTIAL AND SHALL NOT BE AN ARGUMENT, OR LIKELY TO
11 CREATE PREJUDICE, EITHER FOR OR AGAINST THE MEASURE. THE
12 SUMMARY SHALL BE PREPARED BY THE COUNTY CLERK AND RECORDER.

13 (III) THE FULL TEXT OF THE PROPOSED BALLOT QUESTION THAT IS
14 THE SUBJECT OF AN INITIATIVE PETITION SHALL BE PRINTED FOLLOWING
15 THE SUMMARY ON THE FIRST PAGE OR PAGES OF THE PETITION SECTION
16 THAT PRECEDE THE SIGNATURE PAGE. NOTWITHSTANDING THE
17 REQUIREMENT OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (C), IF THE TEXT
18 OF THE PROPOSED BALLOT QUESTION REQUIRES MORE THAN ONE PAGE OF
19 A PETITION SECTION, THE WARNING AND SUMMARY NEED NOT APPEAR AT
20 THE TOP OF ANY PAGE OTHER THAN THE INITIAL TEXT PAGE.

21 (IV) THE SIGNATURE PAGES SHALL CONSIST OF THE WARNING AND
22 THE SUMMARY, FOLLOWED BY RULED LINES NUMBERED CONSECUTIVELY
23 FOR REGISTERED ELECTORS' SIGNATURES. IF A PETITION SECTION
24 CONTAINS MULTIPLE SIGNATURE PAGES, ALL SIGNATURE LINES SHALL BE
25 NUMBERED CONSECUTIVELY, FROM THE FIRST SIGNATURE PAGE THROUGH
26 THE LAST. THE SIGNATURE PAGES SHALL FOLLOW THE PAGE OR PAGES ON
27 WHICH THE FULL TEXT OF THE PROPOSED BALLOT QUESTION THAT IS THE

1 SUBJECT OF THE INITIATIVE PETITION IS PRINTED.

2 (3) (a) FOLLOWING THE SIGNATURE PAGES OF EACH PETITION
3 SECTION, THERE SHALL BE ATTACHED A SIGNED, NOTARIZED, AND DATED
4 AFFIDAVIT EXECUTED BY THE PERSON WHO CIRCULATED THE PETITION
5 SECTION, WHICH SHALL INCLUDE THE FOLLOWING:

6 (I) THE AFFIANT'S PRINTED NAME, THE ADDRESS AT WHICH THE
7 AFFIANT RESIDES, INCLUDING THE AFFIANT'S STREET NAME AND NUMBER,
8 MUNICIPALITY, AND COUNTY, AND THE DATE THE AFFIANT SIGNED THE
9 AFFIDAVIT;

10 (II) THAT THE AFFIANT HAS READ AND UNDERSTANDS THE LAWS
11 GOVERNING THE CIRCULATION OF INITIATIVE PETITIONS;

12 (III) THAT THE AFFIANT WAS EIGHTEEN YEARS OF AGE OR OLDER
13 AT THE TIME THE PETITION SECTION WAS CIRCULATED AND SIGNED BY THE
14 LISTED ELECTORS;

15 (IV) THAT THE AFFIANT CIRCULATED THE PETITION SECTION;

16 (V) THAT EACH SIGNATURE THEREON WAS AFFIXED IN THE
17 AFFIANT'S PRESENCE;

18 (VI) THAT EACH SIGNATURE THEREON IS THE SIGNATURE OF THE
19 PERSON WHOSE NAME IT PURPORTS TO BE;

20 (VII) THAT, TO THE BEST OF THE AFFIANT'S KNOWLEDGE AND
21 BELIEF, EACH OF THE PERSONS SIGNING THE INITIATIVE PETITION SECTION
22 WAS, AT THE TIME OF SIGNING, A REGISTERED ELECTOR; AND

23 (VIII) THAT THE AFFIANT HAS NOT PAID OR WILL NOT IN THE
24 FUTURE PAY AND THAT THE AFFIANT BELIEVES THAT NO OTHER PERSON
25 HAS PAID OR WILL PAY, DIRECTLY OR INDIRECTLY, ANY MONEY OR OTHER
26 THING OF VALUE TO ANY SIGNER FOR THE PURPOSE OF INDUCING OR
27 CAUSING SUCH SIGNER TO AFFIX THE SIGNER'S SIGNATURE TO THE

1 INITIATIVE PETITION.

2 (b) THE COUNTY CLERK AND RECORDER SHALL NOT ACCEPT FOR
3 FILING ANY PETITION SECTION THAT DOES NOT HAVE ATTACHED THERETO
4 THE NOTARIZED AFFIDAVIT REQUIRED BY PARAGRAPH (a) OF THIS
5 SUBSECTION (3). ANY DISASSEMBLY OF A PETITION SECTION THAT HAS
6 THE EFFECT OF SEPARATING THE AFFIDAVIT FROM THE SIGNATURE PAGE OR
7 PAGES SHALL RENDER THAT PETITION SECTION INVALID AND OF NO FORCE
8 AND EFFECT.

9 (c) ANY SIGNATURE ADDED TO A PETITION SECTION AFTER THE
10 AFFIDAVIT HAS BEEN EXECUTED SHALL BE INVALID.

11 (d) ALL PETITION SECTIONS SHALL BE PRENUMBERED SERIALLY.

12 (e) ANY PETITION SECTION THAT FAILS TO CONFORM TO THE
13 REQUIREMENTS OF THIS SECTION OR THAT IS CIRCULATED IN A MANNER
14 OTHER THAN THAT PERMITTED BY THIS SECTION SHALL BE INVALID.

15 (4) THE CIRCULATION OF ANY PETITION SECTION OTHER THAN
16 PERSONALLY BY A CIRCULATOR IS PROHIBITED. NO PETITION SECTION
17 SHALL BE CIRCULATED BY ANY PERSON WHO IS NOT EIGHTEEN YEARS OF
18 AGE OR OLDER AT THE TIME THE PETITION SECTION IS CIRCULATED.

19 (5) ANY INITIATIVE PETITION SHALL BE SIGNED ONLY BY
20 REGISTERED ELECTORS WHO ARE ELIGIBLE TO VOTE ON THE MEASURE.
21 EACH REGISTERED ELECTOR SHALL SIGN HIS OR HER OWN SIGNATURE AND
22 SHALL PRINT HIS OR HER NAME, THE ADDRESS AT WHICH HE OR SHE
23 RESIDES, INCLUDING THE STREET NUMBER AND NAME, THE CITY OR TOWN,
24 AND THE COUNTY, AND THE DATE OF SIGNING. EACH REGISTERED
25 ELECTOR SIGNING A PETITION SHALL BE ENCOURAGED BY THE CIRCULATOR
26 OF THE PETITION TO SIGN THE PETITION IN INK. IN THE EVENT A
27 REGISTERED ELECTOR IS PHYSICALLY UNABLE TO SIGN THE PETITION OR IS

1 ILLITERATE AND WISHES TO SIGN THE PETITION, THE ELECTOR SHALL SIGN
2 AND MAKE HIS OR HER MARK IN THE SPACE SO PROVIDED. ANY PERSON,
3 BUT NOT A CIRCULATOR, MAY ASSIST THE DISABLED OR ILLITERATE
4 ELECTOR IN COMPLETING THE REMAINING INFORMATION REQUIRED BY THIS
5 SECTION. THE PERSON PROVIDING ASSISTANCE SHALL SIGN HIS OR HER
6 NAME AND ADDRESS AND SHALL STATE THAT SUCH ASSISTANCE WAS
7 GIVEN TO THE SIGNOR.

8 (6) (a) THE COUNTY CLERK AND RECORDER SHALL INSPECT TIMELY
9 FILED INITIATIVE PETITIONS AND THE ATTACHED AFFIDAVITS, AND MAY DO
10 SO BY EXAMINING THE INFORMATION ON SIGNATURE LINES FOR PATENT
11 DEFECTS, BY COMPARING THE INFORMATION ON SIGNATURE LINES AGAINST
12 A LIST OF REGISTERED ELECTORS OF THE COUNTY.

13 (b) AFTER EXAMINING THE INITIATIVE PETITION, THE COUNTY
14 CLERK AND RECORDER SHALL ISSUE A STATEMENT AS TO WHETHER A
15 SUFFICIENT NUMBER OF VALID SIGNATURES HAVE BEEN SUBMITTED. A
16 COPY OF THE STATEMENT SHALL BE MAILED TO THE PERSONS DESIGNATED
17 AS REPRESENTING THE PETITION PROPONENTS PURSUANT TO PARAGRAPH
18 (b) OF SUBSECTION (2) OF THIS SECTION.

19 (c) THE STATEMENT OF SUFFICIENCY OR INSUFFICIENCY SHALL BE
20 ISSUED NO LATER THAN THIRTY CALENDAR DAYS AFTER THE INITIATIVE
21 PETITION HAS BEEN FILED. IF THE COUNTY CLERK AND RECORDER FAILS TO
22 ISSUE A STATEMENT WITHIN THIRTY CALENDAR DAYS, THE PETITION SHALL
23 BE DEEMED SUFFICIENT.

24 (7) (a) WITHIN FORTY DAYS AFTER AN INITIATIVE PETITION IS
25 FILED, A PROTEST IN WRITING UNDER OATH MAY BE FILED IN THE OFFICE OF
26 THE COUNTY CLERK AND RECORDER BY ANY REGISTERED ELECTOR WHO
27 RESIDES IN THE COUNTY, SETTING FORTH SPECIFICALLY THE GROUNDS FOR

1 SUCH PROTEST. THE GROUNDS FOR PROTEST MAY INCLUDE, BUT SHALL
2 NOT BE LIMITED TO, THE FAILURE OF ANY PORTION OF A PETITION OR
3 CIRCULATOR AFFIDAVIT TO MEET THE REQUIREMENTS OF THIS SECTION.
4 NO SIGNATURE MAY BE CHALLENGED THAT IS NOT IDENTIFIED IN THE
5 PROTEST BY SECTION AND LINE NUMBER. THE COUNTY CLERK AND
6 RECORDER SHALL FORTHWITH MAIL A COPY OF SUCH PROTEST TO THE
7 PERSONS DESIGNATED AS REPRESENTING THE PETITION PROPONENTS
8 PURSUANT TO PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION AND TO
9 THE PROTESTER, TOGETHER WITH A NOTICE FIXING A TIME FOR HEARING
10 SUCH PROTEST THAT IS NOT LESS THAN FIVE OR MORE THAN TEN DAYS
11 AFTER SUCH NOTICE IS MAILED.

12 (b) THE COUNTY CLERK AND RECORDER SHALL FURNISH A
13 REQUESTING PROTESTER WITH A LIST OF THE REGISTERED ELECTORS IN THE
14 COUNTY AND SHALL CHARGE A FEE TO COVER THE COST OF FURNISHING
15 THE LIST.

16 (c) EVERY HEARING SHALL BE HELD BEFORE THE COUNTY CLERK
17 AND RECORDER WITH WHOM SUCH PROTEST IS FILED. THE COUNTY CLERK
18 AND RECORDER SHALL SERVE AS HEARING OFFICER UNLESS SOME OTHER
19 PERSON IS DESIGNATED BY THE BOARD OF COUNTY COMMISSIONERS AS THE
20 HEARING OFFICER, AND THE TESTIMONY IN EVERY SUCH HEARING SHALL
21 BE UNDER OATH. THE HEARING OFFICER SHALL HAVE THE POWER TO ISSUE
22 SUBPOENAS AND COMPEL THE ATTENDANCE OF WITNESSES. THE HEARING
23 SHALL BE SUMMARY AND NOT SUBJECT TO DELAY AND SHALL BE
24 CONCLUDED WITHIN SIXTY DAYS AFTER THE PETITION IS FILED. NO LATER
25 THAN FIVE DAYS AFTER THE CONCLUSION OF THE HEARING, THE HEARING
26 OFFICER SHALL ISSUE A WRITTEN DETERMINATION OF WHETHER THE
27 PETITION IS SUFFICIENT OR NOT SUFFICIENT. IF THE HEARING OFFICER

1 DETERMINES THAT A PETITION IS NOT SUFFICIENT, THE OFFICER SHALL
2 IDENTIFY THOSE PORTIONS OF THE PETITION THAT ARE NOT SUFFICIENT
3 AND THE REASONS THEREFOR. THE RESULT OF THE HEARING SHALL BE
4 FORTHWITH CERTIFIED TO THE PROTESTER AND TO THE PERSONS
5 DESIGNATED AS REPRESENTING THE PETITION PROPONENTS PURSUANT TO
6 PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION. THE
7 DETERMINATION AS TO PETITION SUFFICIENCY MAY BE REVIEWED BY THE
8 DISTRICT COURT FOR THE COUNTY UPON APPLICATION OF THE PROTESTER,
9 THE PERSONS DESIGNATED AS REPRESENTING THE PETITION PROPONENTS,
10 OR THE COUNTY, BUT SUCH REVIEW SHALL BE HAD AND DETERMINED
11 FORTHWITH.

12 (8) THE GENERAL ASSEMBLY FINDS THE PROVISIONS OF THIS
13 SECTION ARE A MATTER OF STATEWIDE CONCERN AND SHALL APPLY TO
14 ALL COUNTIES, INCLUDING HOME RULE COUNTIES, AND TO THE CITY AND
15 COUNTY OF DENVER AND THE CITY AND COUNTY OF BROOMFIELD.

16 **1-4-1408. Prior actions not affected.** DISTRICT ATTORNEY TERM
17 LIMIT BALLOT QUESTIONS APPROVED BY THE VOTERS OF ANY JUDICIAL
18 DISTRICT PRIOR TO THE EFFECTIVE DATE OF THIS PART 14 ARE NOT
19 AFFECTED BY THE ENACTMENT OF THIS PART 14 AND SHALL REMAIN
20 VALID.

21 **SECTION 2. Effective date - applicability.** This act shall take
22 effect upon passage and shall apply to district attorney term limit ballot
23 questions referred to voters on or after the effective date of this act.

24 **SECTION 3. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, and safety.