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An Act

SENATE BILL 10-070

BY SENATOR(S) Kester, Bacon;
also REPRESENTATIVE(S) McCann, Labuda, Murray, Stephens.

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

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Article 4 of title 1, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

PART 14
DISTRICT ATTORNEY TERM LIMIT
BALLOT QUESTIONS

1-4-1401. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AFFIRMS, AND DECLARES THAT:

(a) DISTRICT ATTORNEYS ARE NONJUDICIAL ELECTED OFFICIALS SUBJECT TO THE LIMITATIONS ON TERMS OF OFFICE IMPOSED BY SECTION 11 OF ARTICLE XVIII OF THE STATE CONSTITUTION;

(b) JUDICIAL DISTRICTS ARE POLITICAL SUBDIVISIONS OF THE STATE

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

WITH POLITICAL CONTROL BY A COMMUNITY OTHER THAN THE STATE AS A WHOLE, AND DISTRICT ATTORNEYS CONTINUE TO EXHIBIT A FUNDAMENTAL CHARACTERISTIC OF REPRESENTING THE PEOPLE OF THE JUDICIAL DISTRICT IN ORDER TO PROTECT THEIR HEALTH, SAFETY, AND WELFARE; AND

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

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

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

1-4-1403. Referral of question in single-county judicial districts. FOR A JUDICIAL DISTRICT WHOSE TERRITORY IS COMPRISED ENTIRELY OF ONE COUNTY, THE BOARD OF COUNTY COMMISSIONERS FOR THAT COUNTY SHALL BE THE GOVERNING BODY TO REFER ANY BALLOT QUESTION TO THE ELIGIBLE ELECTORS OF THE JUDICIAL DISTRICT REGARDING THE LENGTHENING, SHORTENING, OR ELIMINATION OF THE LIMITATION ON TERMS OF OFFICE FOR THE DISTRICT ATTORNEY OF THE JUDICIAL DISTRICT.

1-4-1404. Referral of question in multiple-county judicial districts. (1) FOR A JUDICIAL DISTRICT WHOSE TERRITORY IS COMPRISED OF MORE THAN ONE COUNTY, THE BOARDS OF COUNTY COMMISSIONERS OF EACH COUNTY SITUATED WITHIN THE JUDICIAL DISTRICT SHALL BE THE GOVERNING BODIES TO REFER ANY BALLOT QUESTION TO THE ELIGIBLE ELECTORS OF THEIR RESPECTIVE COUNTIES REGARDING THE LENGTHENING, SHORTENING, OR ELIMINATION OF THE LIMITATION ON TERMS OF OFFICE FOR THE DISTRICT

ATTORNEY OF THE JUDICIAL DISTRICT IMPOSED BY SECTION 11 OF ARTICLE XVIII OF THE STATE CONSTITUTION.

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

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

1-4-1405. Coordinated or general election ballot. (1) ANY BALLOT QUESTION THAT SEEKS TO LENGTHEN, SHORTEN, OR ELIMINATE THE LIMITATIONS ON TERMS OF OFFICE FOR A DISTRICT ATTORNEY SHALL ONLY BE SUBMITTED TO THE VOTERS OF A JUDICIAL DISTRICT AT A COORDINATED OR GENERAL ELECTION.

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

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

(a) ACT AS THE DESIGNATED ELECTION OFFICIAL FOR THE ELECTION

IN WHICH THE BALLOT QUESTION APPEARS ON THE BALLOT; AND

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

(2) UPON RECEIPT OF THE CERTIFICATIONS TRANSMITTED PURSUANT TO PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION, THE SECRETARY OF STATE SHALL COMPILE THE RESULTS RECEIVED FROM EACH COUNTY SITUATED WITHIN THE JUDICIAL DISTRICT AND DETERMINE WHETHER THE MEASURE WAS APPROVED BY THE ELIGIBLE ELECTORS OF THE JUDICIAL DISTRICT AS A WHOLE. THE SECRETARY SHALL CERTIFY THE RESULTS IN THE MANNER PROVIDED BY LAW.

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

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

(2) (a) EACH INITIATIVE PETITION FILED PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL BE PRINTED IN A FORM CONSISTENT WITH THIS SUBSECTION (2). NO PETITION SHALL BE PRINTED OR CIRCULATED UNLESS THE FORM AND THE FIRST PRINTER'S PROOF OF THE PETITION SECTION HAVE FIRST BEEN SUBMITTED TO THE COUNTY CLERK AND RECORDER APPROVED BY THE COUNTY CLERK AND RECORDER. THE COUNTY CLERK AND RECORDER SHALL APPROVE OR REJECT THE FORM AND THE FIRST PRINTER'S PROOF OF THE PETITION NO LATER THAN FIVE BUSINESS DAYS FOLLOWING THE DATE ON WHICH THE COUNTY CLERK AND RECORDER RECEIVED SUCH MATERIAL. THE COUNTY CLERK AND RECORDER SHALL ASSURE THAT THE PETITION SECTION CONTAINS ONLY THOSE ELEMENTS REQUIRED BY THIS SECTION AND CONTAINS NO EXTRANEOUS MATERIAL.

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

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

**"WARNING:
IT IS AGAINST THE LAW:**

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

DO NOT SIGN THIS PETITION UNLESS YOU ARE A REGISTERED ELECTOR AND ELIGIBLE TO VOTE ON THIS MEASURE. TO BE A REGISTERED ELECTOR, YOU MUST BE A CITIZEN OF COLORADO AND REGISTERED TO VOTE.

DO NOT SIGN THIS PETITION UNLESS YOU HAVE READ OR HAVE HAD READ TO YOU THE PROPOSED INITIATIVE OR THE SUMMARY IN ITS ENTIRETY AND

UNDERSTAND ITS MEANING."

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

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

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

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

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

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

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

(IV) THAT THE AFFIANT CIRCULATED THE PETITION SECTION;

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

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

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

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

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

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

(d) ALL PETITION SECTIONS SHALL BE PRENUMBERED SERIALLY.

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

(4) THE CIRCULATION OF ANY PETITION SECTION OTHER THAN

PERSONALLY BY A CIRCULATOR IS PROHIBITED. NO PETITION SECTION SHALL BE CIRCULATED BY ANY PERSON WHO IS NOT EIGHTEEN YEARS OF AGE OR OLDER AT THE TIME THE PETITION SECTION IS CIRCULATED.

(5) ANY INITIATIVE PETITION SHALL BE SIGNED ONLY BY REGISTERED ELECTORS WHO ARE ELIGIBLE TO VOTE ON THE MEASURE. EACH REGISTERED ELECTOR SHALL SIGN HIS OR HER OWN SIGNATURE AND SHALL PRINT HIS OR HER NAME, THE ADDRESS AT WHICH HE OR SHE RESIDES, INCLUDING THE STREET NUMBER AND NAME, THE CITY OR TOWN, AND THE COUNTY, AND THE DATE OF SIGNING. EACH REGISTERED ELECTOR SIGNING A PETITION SHALL BE ENCOURAGED BY THE CIRCULATOR OF THE PETITION TO SIGN THE PETITION IN INK. IN THE EVENT A REGISTERED ELECTOR IS PHYSICALLY UNABLE TO SIGN THE PETITION OR IS ILLITERATE AND WISHES TO SIGN THE PETITION, THE ELECTOR SHALL SIGN AND MAKE HIS OR HER MARK IN THE SPACE SO PROVIDED. ANY PERSON, BUT NOT A CIRCULATOR, MAY ASSIST THE DISABLED OR ILLITERATE ELECTOR IN COMPLETING THE REMAINING INFORMATION REQUIRED BY THIS SECTION. THE PERSON PROVIDING ASSISTANCE SHALL SIGN HIS OR HER NAME AND ADDRESS AND SHALL STATE THAT SUCH ASSISTANCE WAS GIVEN TO THE SIGNOR.

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

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

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

(7) (a) WITHIN FORTY DAYS AFTER AN INITIATIVE PETITION IS FILED,

A PROTEST IN WRITING UNDER OATH MAY BE FILED IN THE OFFICE OF THE COUNTY CLERK AND RECORDER BY ANY REGISTERED ELECTOR WHO RESIDES IN THE COUNTY, SETTING FORTH SPECIFICALLY THE GROUNDS FOR SUCH PROTEST. THE GROUNDS FOR PROTEST MAY INCLUDE, BUT SHALL NOT BE LIMITED TO, THE FAILURE OF ANY PORTION OF A PETITION OR CIRCULATOR AFFIDAVIT TO MEET THE REQUIREMENTS OF THIS SECTION. NO SIGNATURE MAY BE CHALLENGED THAT IS NOT IDENTIFIED IN THE PROTEST BY SECTION AND LINE NUMBER. THE COUNTY CLERK AND RECORDER SHALL FORTHWITH MAIL A COPY OF SUCH PROTEST TO THE PERSONS DESIGNATED AS REPRESENTING THE PETITION PROPONENTS PURSUANT TO PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION AND TO THE PROTESTER, TOGETHER WITH A NOTICE FIXING A TIME FOR HEARING SUCH PROTEST THAT IS NOT LESS THAN FIVE OR MORE THAN TEN DAYS AFTER SUCH NOTICE IS MAILED.

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

(c) EVERY HEARING SHALL BE HELD BEFORE THE COUNTY CLERK AND RECORDER WITH WHOM SUCH PROTEST IS FILED. THE COUNTY CLERK AND RECORDER SHALL SERVE AS HEARING OFFICER UNLESS SOME OTHER PERSON IS DESIGNATED BY THE BOARD OF COUNTY COMMISSIONERS AS THE HEARING OFFICER, AND THE TESTIMONY IN EVERY SUCH HEARING SHALL BE UNDER OATH. THE HEARING OFFICER SHALL HAVE THE POWER TO ISSUE SUBPOENAS AND COMPEL THE ATTENDANCE OF WITNESSES. THE HEARING SHALL BE SUMMARY AND NOT SUBJECT TO DELAY AND SHALL BE CONCLUDED WITHIN SIXTY DAYS AFTER THE PETITION IS FILED. NO LATER THAN FIVE DAYS AFTER THE CONCLUSION OF THE HEARING, THE HEARING OFFICER SHALL ISSUE A WRITTEN DETERMINATION OF WHETHER THE PETITION IS SUFFICIENT OR NOT SUFFICIENT. IF THE HEARING OFFICER DETERMINES THAT A PETITION IS NOT SUFFICIENT, THE OFFICER SHALL IDENTIFY THOSE PORTIONS OF THE PETITION THAT ARE NOT SUFFICIENT AND THE REASONS THEREFOR. THE RESULT OF THE HEARING SHALL BE FORTHWITH CERTIFIED TO THE PROTESTER AND TO THE PERSONS DESIGNATED AS REPRESENTING THE PETITION PROPONENTS PURSUANT TO PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION. THE DETERMINATION AS TO PETITION SUFFICIENCY MAY BE REVIEWED BY THE DISTRICT COURT FOR THE COUNTY UPON APPLICATION OF THE PROTESTER, THE PERSONS DESIGNATED AS REPRESENTING THE PETITION PROPONENTS, OR THE COUNTY, BUT SUCH REVIEW SHALL BE HAD AND DETERMINED

FORTHWITH.

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

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

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

SECTION 3. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO