

Be it Enacted by the People of the State of Colorado:

Section 1. Article VI of the state constitution is amended to add:

Section 6. State judges.

(1) Term limits. Future terms of office for all active county, district, probate, juvenile, water, court of appeals, supreme court, and other state judges shall be four years. Terms shall start at appointment and on each December 1st following election. By initiative petition, using the recall petition standards below, but replacing ten percent with five percent, local court district voters may adopt or end term limits. No person shall serve hereafter more than 12 years each on the court of appeals or supreme court.

(2) Selection. The governor shall appoint all future active and senior judges. Senior judges may serve up to 90 court days within 12 consecutive months. Active judges require senate approval following a hearing with public testimony, held 15 or more days after public notice. Active and senior judges need not be chosen from a nominating commission list. By attrition only, the supreme court shall have five members.

(3) Retention and recall. Newly-appointed active judges shall face a retention election in the next November state election at least 90 days later, and before each term thereafter. Despite any appeal, sentence delay, or other excuse, future misdemeanor or felony convictions, or negative discipline commission findings, shall suspend active and senior judges without pay and, absent resignation, compel a retention vote in the next yearly state election at least 90 days later. Judges may also be recalled in the next yearly state election at least 90 days after sufficient petition entries are filed. Required entries by court district registered electors shall not exceed ten percent of active registered court district electors, or 100,000 valid entries, whichever is less, filed within 12 months of form approval. Multiple members of one court may be named in one recall petition without increasing required entries, but ballot questions and other procedures shall be separate. Petitions and ballots shall list the ballot question without comments. Only one recall election may be held per judge per term.

(4) Public disclosure. To inform potential voters at any retention or recall election, all future appellate decisions and opinions shall be public and on-line five days after issuance. Complete calendar year records on caseload, case resolution time, age of cases, number of continuances, number of cases not resolved within 90 days of filing, time from case filing until issuance of appellate opinions, hours of courthouse attendance daily, written decisions and opinions, and criminal sentencing by each judge shall be public and on-line by the next March 1. Ballot information booklets shall be both on-line and mailed with election notices. For each judge on the ballot, they shall include only a link to the on-line information, a summary by the election official of the judge's misdemeanor or felony convictions, discipline commission public findings, and latest yearly record, as well as filed comments, up to 1,000 words each, one by the judge personally, and one by petition agents if a recall election, or a summary of written filings by adult state residents if a retention election. All filings shall be made by six weeks before the election. Comments and summaries may list contact information and websites. No judicial performance commission review shall be stated in the booklets, nor published or distributed with public funds.

(5) Enforcement. "Judge" also includes a justice, magistrate, commissioner, referee, hearing officer, administrative law judge, or other person hired to perform regularly a state judicial or quasi-judicial function. "Senior judge" also includes a temporary or retired judge. Senior judges may serve only by written consent of all parties to a case. No active or senior judge shall serve after the mandatory retirement age, term limitation, removal by election or discipline proceeding, or resignation with a recall or discipline proceeding pending. Each party in a case may automatically disqualify one judge from handling that case. Section 6 shall be strictly construed; good faith, ignorance, or substantial compliance is no defense. Its provisions are severable and self-executing, and shall not be balanced or harmonized with, but shall supersede, conflicting laws. Any person or group shall have standing to sue to enforce section 6. Suits shall be originally filed with, and orally argued in, the supreme court and decided within 60 days of filing. Judges named in a petition shall not hear any dispute on that petition; the governor shall appoint replacements for that hearing. Attorney fees and costs shall always be paid only to successful plaintiffs enforcing section 6.

Section 2. Article VI, sections 7, 8, 11, 14, 15, 20(1), 20(3), and the second sentence of 10(2) of the state constitution are repealed November 30, 2010.

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