

**Designation of parties representing the proponents for Constitutional  
ballot initiative.**

Proposal tracking no. \_\_\_\_\_ Draft version: ORIGINAL DRAFT

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## INTRODUCTION

Justice Rebecca Love Kourlis believes in the foundations of the American legal system and has dedicated her career, both in and out of the courts, to ensuring that the system provides justice for all. She served Colorado's judiciary for nearly two decades, first as a trial court judge and then as a justice of the Colorado Supreme Court.

During her time on the bench, Justice Kourlis witnessed a system increasingly under attack from outside forces—one that was often failing to deliver the justice she swore to uphold. So, in January 2006, she resigned from the Supreme Court to do something about it. She established the Institute for the Advancement of the American Legal System (IAALS), where she serves as Executive Director.<sup>1</sup>

The statutory version of the Judicial Performance Commission has become corrupted with biased survey selections, unpublished “rules”, statutory violations, unlawful exemption of litigants entitled to take surveys under the statute. Most importantly, the Judicial Performance Commission has become opaque in its functions in direct contrast to the recommendations of retired Colorado Supreme Court Justice Kourlis in her book concerning the organization of Judicial Performance Commissions,

[Transparent Courthouse.](#)

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<sup>1</sup> <http://iaals.du.edu/profile/rebecca-love-kourlis>



According to a recent Colorado Supreme Court study, 51% of all civil litigants in Colorado are now pro-se. Therefore, it is now more imperative than ever that Judges are not corrupt and uphold the Constitutional rights of every litigant before them; especially those who must now represent themselves without assistance of counsel. Our present statutory Judicial Performance Commission law has shown its age and vulnerability in allowing unscrupulous actors to manipulate its intent and allow venal judges and magistrates to return to the bench, especially in the area of Colorado probate courts and judges, and disallow good judges from returning to the bench for no other reason than someone with power and influence on the inside doesn't like them.

This Constitutional ballot initiative is intended not to change the law, but to insure that it is followed in the manner originally prescribed by our Legislature brought by insuring complete 100% Accountability and 100% Transparency to the Judicial Retention process.

Sincerely,



/s/Peter Coulter

/s/ Cliff Baptista



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

**SECTION 1.** In the Constitution of the State of Colorado, Section 6 of article VI, amended as follows:

**Section 6. ~~Election of Judges (repealed)~~ JUDICIAL PERFORMANCE COMMISSION [RETENTION OF JUDGES AND MAGISTRATES]**

(1) THE SOCIAL FABRIC OF OUR STATE PREDICATES ON OUR TRUST AND CONFIDENCE IN THE JUDICIAL BRANCH AND OUR JUDGES. THE MAJORITY OF LITIGANTS IN COLORADO COURTS ARE NOW PRO-SE, DEPENDING THAT THEIR CONSTITUTIONAL RIGHTS WILL BE UPHELD BY JUDGES AND MAGISTRATES WHO HAVE TAKEN A SOLEMN OATH MANDATING THEIR RESPONSIBILITY TO THE COLORADO CITIZENS THEY SERVE. ACCORDINGLY, THERE SHALL BE ESTABLISHED A JUDICIAL PERFORMANCE COMMISSION ("JPC"), IN THE COLORADO SECRETARY OF STATE'S OFFICE TO ACCURATELY, TRANSPARENTLY AND COMPLETELY SURVEY ALL JUDGES AND MAGISTRATES IN ORDER TO BETTER DETERMINE THEIR RETENTION BY THE CITIZENS AND LITIGANTS OF COLORADO.

(2) THE JPC SHALL BE A DIVISION OF THE SECRETARY OF STATE; HEADED AND DIRECTED BY THE CURRENT SECRETARY OF STATE ("DIRECTOR") AND SHALL NOT BE LOCATED IN ANY JUDICIAL BRANCH BUILDING TO AVOID ANY APPEARANCE OF BIAS. ALL PROCEEDURES NECESSARY UNDER THIS AMENDMENT WILL BE FULLFILLED ONLY BY SECRETARY OF STATE



EMPLOYEES WITH ASSISTANCE AND FULL COOPERATION FROM THE COLORADO SUPREME COURT, AND ITS ADMINISTRATIVE DIVISION THEREOF, IN GATHERING NECESSARY AND MANDATORY DATA FOR THE FULL IMPLEMENTATION OF THIS AMENDMENT. NO OUTSIDE VENDORS SHALL BE CONTRACTED OR EMPLOYEED TO FULLFILL ANY OF THE MANDATES OF THIS AMENDMENT.

(3) THE JPC COMMISSION SHALL CONSIDER ALL MATTERS DIRECTLY. THERE SHALL BE NO "GATEKEEPERS" OR FILTERING BY "GATEKEEPERS".

(4) IT SHALL BE THE DUTY OF THE DIRECTOR TO IMPLEMENT ALL MANDATES OF THIS AMENDMENT IN THE MOST EFFICIENT, TRANSPARENT AND ACCOUNTABLE MEANS AVAILABLE WITH PREFERENCE TOWARD ONLINE PUBLICATION; MANAGE THE JPC OFFICE AND ITS' STAFF; CONTINUALLY MONITOR AND AUDIT THE JUDICIAL BRANCH TO CONFIRM THAT EVERY PERSON AFFECTED BY THIS AMENDMENT RECEIVES A SURVEY AND IT IS RETURNED COMPLETED TO THE JPC.

(5) THE CURRENT STANDING SECRETARY OF STATE SHALL ACT AS DIRECTOR, MEETING MODERATOR, REPRESENTATIVE AND SPOKESPERSON FOR THE JPC. APPOINTED STAFF MEMBERS MAY STAND IN FOR THE DIRECTOR AT THE DIRECTOR'S APPROVAL.

Commented [PC1]:

(6) THE DIRECTOR SHALL HIRE ADDITIONAL NECESSARY STAFF FOR THE JPC OFFICE AS NECESSARY AND AS APPROVED BY THE STATE COMMISSION WHICH SHALL NOT BE UNREASONABLY WITHHELD.



(7) FUNDING SHALL BE A PRIORITY BUDGET ITEM OF THE JUDICIARY WHICH SHALL NOT BE WITHHELD.

(8) THE DIRECTOR MAY PARTICIPATE IN ALL DISCUSSIONS OF THE JPC COMMISSION BUT SHALL NOT VOTE EXCEPT TO BREAK A TIE-VOTE.

(9) THE JPC SHALL USE THE INTERNET WHENEVER POSSIBLE ESTABLISHING A WEB PAGE AND INCLUDING BUT NOT EXCLUSIVE OF COMPLETE DETAILED RESULTS OF JUDICIAL SURVEYS, TRANSCRIPTS OF ALL MEETINGS OR IN LIEU THEREOF, VIDEO AND AUDIO, RULE FORMATION AND PUBLICATION, REQUIREMENTS OF SURVEYORS, COMPLETION AND ACCEPTANCE OF JUDICIAL SURVEYS AND COMMENTS, JUDGES COMMENTS, EMAIL, CONTACT,, PUBLICATION OF THIS AMENDMENT, REQUIREMENTS OF INVOLVED PARTIES, REQUIREMENTS OF JUDGES AND MAGISTRATES AND ALL OTHER INFORMATION DETERMINED BY THE JPC. SAID WEB PAGE SHALL BE CONTINUALLY AVAILABLE AND THERE SHALL NOT BE ANY CHARGE TO ANY PARTY TO VIEW OR DOWNLOAD ANY INFORMATION.

(10) VIOLATION OF ANY SECTION OF THIS AMENDMENT BY ANY PERSON SHALL BE PRIMA FACIE EVIDENCE OF CRIMINAL AND CIVIL INTERNET INTERSTATE WIRE FRAUD AND CRIMINAL AND CIVIL FRAUD ON THE COURT.

(11) THERE SHALL BE NO STATUTE OF LIMITATIONS IN FILING SUIT FOR ANY SECTION OF THIS AMENDMENT. SUCCESSFUL PLAINTIFFS SHALL BE ENTITLED TO ATTORNEYS FEES, COURT COSTS AND TRIPLE DAMAGES.



(12) THE JPC AND ITS DIRECTOR SHALL, IN COOPERATION AND SUPPORT OF THE JUDICIAL BRANCH AND JUDGES AND MAGISTRATES THEREOF, STRIVE CONTINUALLY TOWARDS 100% ACCOUNTABILITY AND 100% TRANSPARENCY CONCERNING THIS AMENDMENT AND THE DISCHARGE OF ITS MANDATES.

(13) EVERY COLORADO JUDGE INCLUDING BUT NOT EXCLUSIVE OF MAGISTRATES, ADMINISTRATIVE JUDGES, APPOINTED JUDGES, PROBATE JUDGES, TEMPORARY OR ASSISTANT JUDGES, ATTORNEY DISCIPLINE JUDGES AND SENIOR JUDGES, SHALL BE SURVEYED FOR RETENTION IN ACCORDANCE WITH THIS AMENDMENT DURING THEIR FIRST TWO EVEN YEARS AFTER BEING APPOINTED AT THE GENERAL ELECTION THEREOF.

(14) THE JPC COMMISSION SHALL BE COMPRISED OF TWO RESPECTIVE COUNTY COMMISSIONERS SELECTED CANDIDATEDES ("MEMBERS") FROM EACH COUNTY COMMISSIONERS OF EVERY COLORADO COUNTY. NO MORE THAN ONE MEMBER FROM EACH COUNTY SHALL BE AN ATTORNEY AT ANY TIME DURING THEIR LIFETIME.

(15) THE JPC COMMISSION SHALL ESTABLISH SALARY RATES THAT EACH RESPECTIVE COUNTY COMMISSIONERS MAY PAY, OR A LESSER AMOUNT, BUT NOT GREATER AMOUNT, TO THEIR RESPECTIVE JPC APPOINTEES. SAID SALARIES SHALL BE PAID FROM RESPECTIVE COUNTY BUDGETS.

(16) FOR PURPOSES OF THIS AMENDMENT, "ATTORNEY" MEANS A PERSON ADMITTED TO PRACTICE LAW IN ANY STATE, PAST OR PRESENT.



(17) AN ATTORNEY SERVING AS A MEMBER OF THE JPC SHALL NOT REQUEST THAT A JUDGE OR MAGISTRATE BEING EVALUATED BY THE COMMISSION BE RECUSED FROM HEARING A CASE IN WHICH THE ATTORNEY APPEARS AS COUNSEL OF RECORD, OR REQUEST PERMISSION TO WITHDRAW FROM A CASE PENDING BEFORE A JUSTICE OR JUDGE BEING EVALUATED, SOLELY ON THE BASIS THAT THE ATTORNEY IS SERVING AS A MEMBER OF A COMMISSION.

(18) AN ATTORNEY WHO APPEARS IN A MATTER WHERE OPPOSING COUNSEL OR A WITNESS SERVES AS A MEMBER OF THE JPC THAT IS EVALUATING THE JUDGE OR MAGISTRATE BEFORE WHOM THE MATTER IS SET MAY NOT SEEK WITHDRAWAL OF THE ATTORNEY, EXCLUSION OF THE WITNESS, OR RECUSAL OF THE JUDGE OR MAGISTRATE SOLELY ON THE BASIS THAT THE OPPOSING COUNSEL OR WITNESS IS SERVING AS A MEMBER OF JPC.

(19) A JUDGE OR MAGISTRATE BEING EVALUATED BY THE JPC MAY NOT RECUSE HIMSELF OR HERSELF FROM A CASE SOLELY ON THE BASIS THAT AN ATTORNEY, PARTY, OR WITNESS IS A MEMBER OF THE COMMISSION, NOR SHOULD A JUSTICE OR JUDGE GRANT AN ATTORNEY'S REQUEST TO WITHDRAW FROM A CASE, SOLELY ON THE BASIS THAT THE ATTORNEY, PARTY, OR WITNESS IS SERVING AS A MEMBER OF THE JPC.

(20) JUDGES AND MAGISTRATES ACTIVELY PERFORMING JUDICIAL DUTIES MAY NOT BE APPOINTED TO SERVE ON THE STATE COMMISSION. FORMER JUSTICES AND JUDGES AS MEMBERS OF CURRENT RESPECTIVE COUNTY





COMMISSIONERS ARE ELIGIBLE TO BE APPOINTED AS ATTORNEY MEMBERS;  
EXCEPT THAT A FORMER JUDGE OR MAGISTRATE MAY NOT BE ASSIGNED OR  
APPOINTED TO PERFORM JUDICIAL DUTIES WHILE SERVING ON THE STATE  
COMMISSION.

(21) JPC MEMBERS SHALL SERVE AN INITIAL TERM OF 2 YEARS AND MAY BE  
REAPPOINTED BY THE RESPECTIVE COUNTY COMMISSIONERS TO 2 MORE  
TERMS OF SERVICE ON THE JPC. THE TERM OF EACH MEMBER OF THE JPC  
SHALL EXPIRE ON NOVEMBER 30 OF ODD NUMBER YEARS, AND THE TERM  
OF A MEMBER APPOINTED TO REPLACE A MEMBER AT THE END OF THE  
MEMBER'S TERM SHALL COMMENCE ON DECEMBER 1 OF THE YEAR IN WHICH  
THE PREVIOUS MEMBER'S TERM EXPIRES.

(22) WITHIN 5 DAYS AFTER A VACANCY ARISES ON THE JPC, THE JPC SHALL  
NOTIFY THE RESPECTIVE COUNTY COMMISSIONERS WHO SHALL MAKE A  
REPLACEMENT APPOINTMENT WITHIN 45 DAYS

(23) IT SHALL BE THE JPC MEMBER'S AND DIRECTOR'S DUTY TO ESTABLISH  
SURVEY QUESTIONS AND FURTHER RULES TO IMPLEMENT AND FULFILL THE  
MANDATES OF THIS AMENDMENT INCLUDING A CONTINUED BIAS TOWARDS  
100% ACCOUNTABILITY AND 100% TRANSPARENCY.

(24) MEMBERS AND EMPLOYEES OF THE STATE COMMISSION SHALL BE IMMUNE  
FROM SUIT IN ANY ACTION, CIVIL OR CRIMINAL, BASED UPON OFFICIAL  
ACTS PERFORMED IN GOOD FAITH AND IN STRICT ACCORD WITH THE  
MANDATES OF FULL TRANSPARENCY AND ACCOUNTABILITY PURSUANT TO

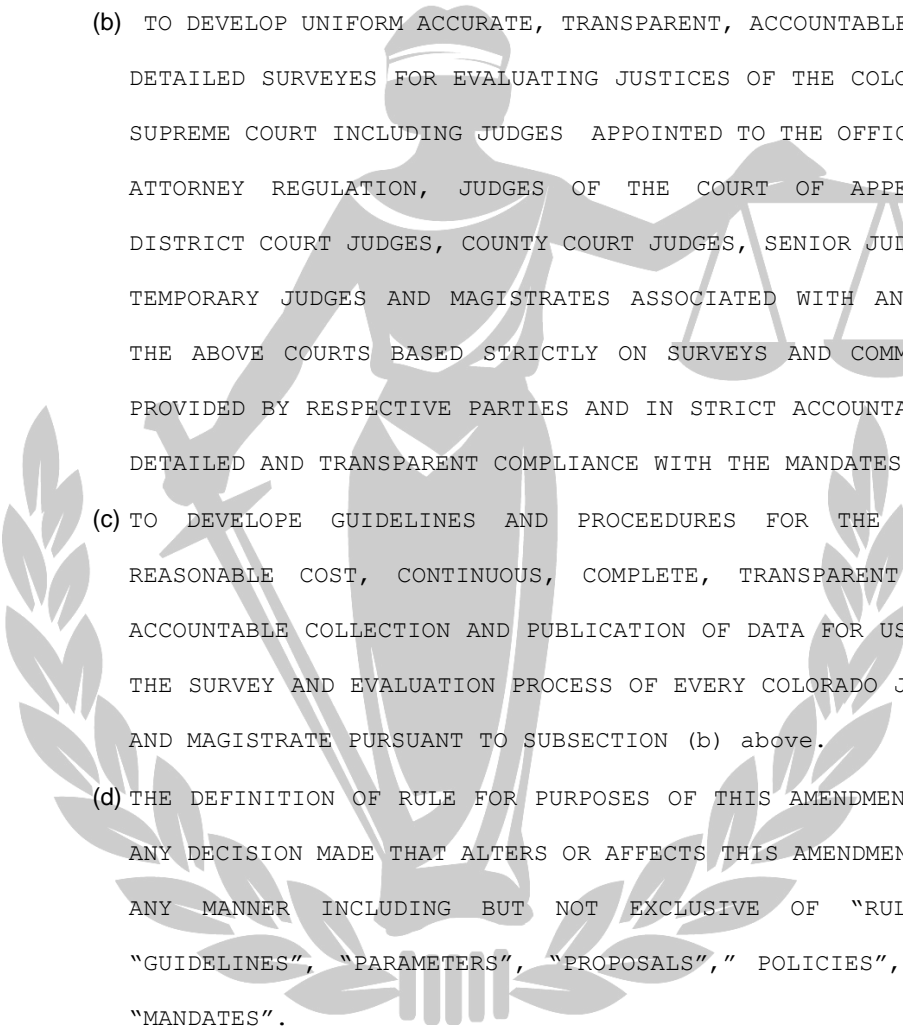


THE AMENDMENT. DIVERGENCE FROM THE MANDATES OF THIS STATUTE OF STRIVING TOWARDS 100% ACCOUNTABILITY AND TRANSPARENCY IS PRIMA FACIE EVIDENCE OF BAD FAITH AND THE VIOLATING PARTIES SHALL BECOME PERSONALLY LIABLE, INCLUDING JUDGES AND MAGISTRATES. ANY JUDGE OR MAGISTRATE FOUND TO HAVE WILLFULLY VIOLATED ANY SECTION OF THIS AMENDMENT SHALL BY A 50% MAJORITY VOTE OF THE JPC BE IMMEDIATELY REMOVED FROM THE BENCH AND MAY NOT BE REAPPOINTED TO ANY JUDGESHIP OR MAGISTRATE POSITION IN THE STATE OF COLORADO. FURTHER, SUCH JUDGE OR MAGISTRATE SHALL NOT THEREAFTER ACT OR BE RECOGNIZED AS AN ARBITRATOR OR MEDIATOR IN THE STATE OF COLORADO.

(25) IT SHALL BE THE DUTY OF ALL JUDICIAL EMPLOYEES AND AFFECTED PARTIES TO ASSIST EACH RESPECTIVE JUDGE AND MAGISTRATE IN ASSURING COMPLIANCE WITH THE MANDATORY SURVEYS REQUIRED BY THIS AMENDMENT. FURTHER, IT SHALL BE THE DUTY TO IMMEDIATELY REPORT ANY VIOLATIONS OF THIS AMENDMENT, IN CONFIDENCE, TO THE JPC COMMISSION FOR FORTHWITH INVESTIGATION AND POSSIBLE PROSECUTION.

(26) IN ADDITION TO OTHER POWERS CONFERRED AND DUTIES IMPOSED UPON THE STATE COMMISSION BY THIS ARTICLE, THE JPC HAS THE FOLLOWING POWERS AND DUTIES:



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- (a) TO ASSIST THE DIRECTOR IN MANAGING THE OFFICE AND PROVIDING FISCAL OVERSIGHT OF THE OPERATING BUDGET OF THE OFFICE;
- (b) TO DEVELOP UNIFORM ACCURATE, TRANSPARENT, ACCOUNTABLE AND DETAILED SURVEYES FOR EVALUATING JUSTICES OF THE COLORADO SUPREME COURT INCLUDING JUDGES APPOINTED TO THE OFFICE OF ATTORNEY REGULATION, JUDGES OF THE COURT OF APPEALS, DISTRICT COURT JUDGES, COUNTY COURT JUDGES, SENIOR JUDGES, TEMPORARY JUDGES AND MAGISTRATES ASSOCIATED WITH ANY OF THE ABOVE COURTS BASED STRICTLY ON SURVEYS AND COMMENTS PROVIDED BY RESPECTIVE PARTIES AND IN STRICT ACCOUNTABLE, DETAILED AND TRANSPARENT COMPLIANCE WITH THE MANDATES.
- (c) TO DEVELOPE GUIDELINES AND PROCEEDURES FOR THE MOST REASONABLE COST, CONTINUOUS, COMPLETE, TRANSPARENT AND ACCOUNTABLE COLLECTION AND PUBLICATION OF DATA FOR USE IN THE SURVEY AND EVALUATION PROCESS OF EVERY COLORADO JUDGE AND MAGISTRATE PURSUANT TO SUBSECTION (b) above.
- (d) THE DEFINITION OF RULE FOR PURPOSES OF THIS AMENDMENT IS ANY DECISION MADE THAT ALTERS OR AFFECTS THIS AMENDMENT IN ANY MANNER INCLUDING BUT NOT EXCLUSIVE OF "RULES", "GUIDELINES", "PARAMETERS", "PROPOSALS", " POLICIES", AND "MANDATES".



(e) THERE SHALL BE A LINE ITEM VOTE FOR EACH RULE, AND EACH SHALL BE VOTED AND APPROVED BY A 66% OR GREATER VOTE OF THE JPC MEMBERS. ANY MEMBER OF THE JPC OR ITS DIRECTOR MAY SPONSER A RULE CHANGE OR NEW RULE WITH APPROVAL OF A SECOND MEMBER SPONSOR WHICH WILL BE VOTED ON AT THE EARLIEST POSSIBLE DATE.

(f) NO FUTURE RULE SHALL IN ANY MANNER CHANGE OR ALTER THE MANDATES OF THIS CONSTITUTIONAL AMENDMENT AND SHALL NOT NEGATE OR DIMINISH THE GOAL OF REASONABLE COMPLETE TRANSPARENCY AND ACCOUNTABILITY NECESSARY TO PROVIDE CONFIDENCE AND TRUST IN OUR JUDGES AND JUSTICE SYSTEM TO LITIGANTS AND COLORADO CITIZENS.

(g) THE DIRECTOR WILL GIVE EVERY MEMBER OF THE JPC AND THE PUBLIC, A 48 HOUR NOTICE OF ANY MEETING AND OR VOTE VIA THE INTERNET. THERE SHALL BE NO MINIMUM QUORUM TO VOTE AND EACH MEMBER SHALL HAVE 24 HOURS TO VOTE VIA THEINTERNET ONCE SAID VOTE(S) HAS(HAVE) BEEN CALLED BY THE DIRECTOR. SAID DEADLINE OCCURING ON A WEEKEND OR HOLIDAY WILL BE CONTINUED UNTIL 11:59P.M. OF THE NEXT BUSINESS DAY.

(h) TO DEVELOP A SINGLE MANDATORY SURVEY FOR ALL PERSONS AFFECTED BY JUSTICES AND JUDGES, INCLUDING AND LIMITED TO



ATTORNEYS, INCLUDING NAMED INDIVIDUAL CLIENTS OF ATTORNEYS IN CIVIL CASES AND NAMED DEFENDANTS OF ATTORNEYS IN CRIMINAL CASES, JURORS, LITIGANTS, INCLUDING ALL PRO-SE LITIGANTS AND ALL LITIGANTS IN QUASI-JUDICIAL HEARINGS INCLUDING BUT NOT EXCLUSIVE OF RULE 120 LITIGANTS, PARENTS AND GUARDIANS OF MINORS, INTERESTED PARTIES IN PROBATE PROCEEDINGS, LAW ENFORCEMENT PERSONNEL, ATTORNEYS WITHIN THE DISTRICT ATTORNEYS' AND PUBLIC DEFENDER'S OFFICES, COURT INTERPRETERS, EMPLOYEES OF PROBATION OFFICES, EMPLOYEES OF LOCAL DEPARTMENTS OF SOCIAL SERVICES, AND VICTIMS OF CRIMES.

- (i) ALL DISTRICT COURT JUDGES, SENIOR DISTRICT COURT JUDGES AND RESPECTIVE MAGISTRATES SHALL BE SURVEYED BY ALL ELIGIBLE COUNTY SURVEYORS IN THEIR JUDICIAL DISTRICT.
- (j) ALL COUNTY JUDGES, SENIOR COUNTY COURT JUDGES AND RESPECTIVE MAGISTRATES SHALL BE SURVEYED BY ALL ELIGIBLE RESPECTIVE COUNTY SURVEYORS.
- (k) SUPREME COURT JUDGES INCLUDING STANDING JUDGE FOR OFFICE OF ATTORNEY REGULATION, MAGISTRATES, COURT OF APPEALS JUDGES, AND SENIOR JUDGES SHALL BE SURVEYED BY ALL ELIGIBLE SURVEYORS REGARDLESS OF COUNTY OR JUDICIAL DISTRICT.



(l) EVERY PARTY LISTED IN SUBSECTION (h) ABOVE SHALL SUBMIT ONLY ONE SURVEY FOR EACH RESPECTIVE JUDGE FOR EACH RESPECTIVE JUDICIAL RETENTION PERIOD, UNAFFECTED BY THE NUMBER OF CONTACTS WITH THE RESPECTIVE JUDGE. IT IS A PRIMARY DUTY OF THE JPC AND ITS DIRECTOR, THE SECRETARY OF STATE, IN COOPERATION AND SUPPORT OF EACH RESPECTIVE JUDGE, RESPECTIVE MAGISTRATE, AND THE COLORADO SUPREME COURT TO IMPLEMENT AND ENFORCE MANDATORY SURVEY SUBMISSION TO THE SECRETARY OF STATE PURSUANT TO THIS AMENDMENT, BY EVERY PARTY AFFECTED IN SECTION (h) IN THE MOST EFFICIENT MANNER, VIA THE INTERNET WHERE POSSIBLE.

(m) THERE SHALL BE A NOTICE PREPARED BY THE JPC ON EVERY COURT DOCUMENT THAT EVERY PERSON IN SECTION (h) ABOVE MUST COMPLETE AND SUBMIT A MANDATORY SURVEY PROVIDED BY THE RESPECTIVE JUDGE AND HIS/HER STAFF.

(n) THE JPC SHALL DEVELOP AND IMPLEMENT A SYSTEM THAT EACH QUALIFIED AND VERIFIED SURVEYER CAN GO ONLINE AND COMPLETE THEIR RESPECTIVE SURVEY ANONYMOUSLY EXCEPT FOR THE "TYPE" OF SURVEYER THEY ARE. [I.E. PRO-SE LITIGANT, INTERESTED PROBATE PARTY, VICTIM, ETC.]



(o) TO PUBLISH 100% COMPLETE SURVEY RESULTS INCLUDING RESPECTIVE CATEGORIZED DETAILED RESULTS OF THE MULTIPLE CHOICE SURVEY QUESTIONS AND INCLUDING JUDGE AND MAGISTRATE COMMENTS FROM SURVEYORS; JUDGES AND MAGISTRATES STATEMENTS; AND GENERAL PUBLIC COMMENTS ON THE INTERNET.

(p) THE COMPLETION AND SUBMISSION OF SURVEYS BY ALL AFFECTED PARTIES OF THIS AMENDMENT TO THE JPC SHALL BE MANDATORY. WITH SURVEY MULTIPLE CHOICE SUMMARIES OF SAID SURVEYS IN COMPLIANCE WITH THIS STATUTE AND REFERENCES, INSTRUCTIONS AND DIRECTIONS TO THE COLORADO SECRETARY OF STATE FULL REPORT WEB PAGES, FOR REVIEW BY VOTERS IN THE BLUE BOOK.

(q) ANY JUDGE OR MAGISTRATE WHO RECEIVES A "DO NOT RETAIN" VOTE BY THE MAJORITY OF RESPECTIVE COLORADO VOTERS SHALL NOT BE REAPPOINTED TO ANY JUDGE OR MAGISTRATE POSITION FOR A PERIOD OF 5 YEARS.

(r) ANY JUDGE OR MAGISTRATE WHO RECEIVES A "RETAIN" VOTE BY RESPECTIVE COLORADO VOTERS OF LESS THAN 75% BUT GREATER THAN 50% SHALL FORTHWITH SUBMIT TO AN ADDITIONAL TWO YEAR PROBATIONARY RETENTION PERIOD.

(s) EVERY SURVEY SHALL CONSIST OF TWO SECTIONS: THE FIRST SECTION WILL CONSIST OF 10 PERTINENT QUESTIONS FORMULATED



BY VOTE OF THE COMMISSION TO EFFECTIVELY SURVEY THE RESPECTIVE JUDGE OR MAGISTRATE WITH 5 MULTIPLE RESPONSES EACH; 1. STRONGLY DISAGREE, 2. DISAGREE, 3. NEUTRAL, 4. AGREE, 5. STRONGLY AGREE. THE SECOND SECTION WILL CONSIST OF AN ANONYMOUS VOLUNTARY 100 WORD MAXIMUM COMMENT BY EACH SURVEYOR. ADDITIONALLY, ANY COMMENTS SUBMITTED BY PARTIES THAT DO NOT HAVE AN ACTUAL INTEREST ON A RESPECTIVE JUDGE NOTED IN SECTION (h) SHALL BE LIMITED TO 100 WORDS, EDITED FOR VULGARITY, AND THOSE COMMENTS SHALL NOT BE SUBMITTED ANONYMOUSLY BUT SHALL BE POSTED AS A SEPARATE SECTION OF THE RESPECTIVE JUDGE AND MAGISTRATE UP FOR RETENTION.

(t) THE FIRST MANDATORY QUESTION SHALL BE, "THE JUDGE AND MAGISTRATE HAVE TAKEN A SOLEMN OATH TO PROTECT THE CONSTITUTIONAL RIGHTS OF EVERY LITIGANT BEFORE THEM WITHOUT BIAS. WAS THIS RIGHT UPHELD BY THE RESPECTIVE JUDGE AND MAGISTRATE?"

(u) EVERY JUDGE OR MAGISTRATE SHALL BE ENTITLED TO A 100 WORD MAXIMUM STATEMENT AFTER REVIEW OF THE RESULTS OF THE SURVEYS TO BE INCLUDED ON THE JPC WEBSITE FOR THEIR RESPECTIVE SURVEY.





(v) TO DISTRIBUTE TO THE PUBLIC AT LARGE, VIA THE INTERNET, ACCURATE RESULTS OF SURVEYS INCLUDING COMMENTS FROM EACH SURVEYOR AND INTERESTED PARTIES. THE SECRETARY OF STATE SHALL ONLY EDIT PERSONAL INFORMATION AND VULGARITY OUT OF EVERY COMMENT WHICH WILL BE LIMITED TO 100 WORDS. GENERAL COMMENTS FROM THE PUBLIC FOR A RESPECTIVE JUDGE SHALL INCLUDE PROOF OF IDENTITY WHICH SHALL BE VERIFIED BY THE JPC DIRECTOR OR HIS/HER STAFF AND SAID PERSON'S NAME SHALL BE INCLUDED IN ANY COMMENT.

(w) PRIOR TO THE FINAL PROMULGATION OF ANY RULE PURSUANT TO THIS AMENDMENT, THE STATE COMMISSION SHALL POST A NOTICE OF THE PROPOSED RULE, ALLOW FOR A PERIOD FOR PUBLIC COMMENT VIA EMAIL PUBLISHED TO THE SECRETARY OF STATE WEB SITE.

(x) EVERY JUDGE AND MAGISTRATE IN THE STATE OF COLORADO SHALL BEGIN A NEW 2 YEAR PROBATIONARY PERIOD WHEN THIS AMENDMENT BECOMES LAW.

(27) THIS AMENDMENT SHALL BE SELF-EXECUTING, BUT LEGISLATION AND JPC LINE ITEM VOTING MAY BE ENACTED TO FACILITATE ITS' OPERATION IN UNION OF FULL TRANSPARENCY AND ACCOUNTABILITY.

(28) IF ANY PART OF THIS AMENDMENT IS FOUND UNCONSTITUTIONAL, ALL OTHER PARTS SHALL REMAIN VALID.



**(29)** IF THE PROPOSED AMENDMENT IS APPROVED BY 50% OF THOSE VOTING ON THE AMENDMENT, IT SHALL BECOME EFFECTIVE WHEN THE GOVERNOR PROCLAIMS ITS ADOPTION.

