

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-0499.02 Troy Bratton

SENATE BILL 10-070

SENATE SPONSORSHIP

Kester,

HOUSE SPONSORSHIP

(None),

Senate Committees
State, Veterans & Military Affairs

House Committees

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.

1 GOVERNING BODY WITH THE EXPLICIT AUTHORITY TO CALL AND CONDUCT
2 ELECTIONS.

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

10 **1-4-1402. Applicability of part.** THIS PART 14 SHALL APPLY TO
11 ANY BALLOT QUESTION THAT SEEKS TO LENGTHEN, SHORTEN, OR
12 ELIMINATE THE LIMITATIONS ON TERMS OF OFFICE FOR A DISTRICT
13 ATTORNEY PURSUANT TO SUBSECTION (2) OF SECTION 11 OF ARTICLE
14 XVIII OF THE STATE CONSTITUTION. ELECTIONS IN WHICH SUCH BALLOT
15 QUESTIONS APPEAR ON THE BALLOT SHALL BE CONDUCTED PURSUANT TO
16 THE PROVISIONS OF THIS CODE UNLESS OTHERWISE PROVIDED FOR IN THIS
17 PART 14.

18 **1-4-1403. Referral of question in single-county judicial**
19 **districts.** FOR A JUDICIAL DISTRICT WHOSE TERRITORY IS COMPRISED
20 ENTIRELY OF ONE COUNTY, THE BOARD OF COUNTY COMMISSIONERS FOR
21 THAT COUNTY SHALL BE THE GOVERNING BODY TO REFER ANY BALLOT
22 QUESTION TO THE ELIGIBLE ELECTORS OF THE JUDICIAL DISTRICT
23 REGARDING THE LENGTHENING, SHORTENING, OR ELIMINATION OF THE
24 LIMITATION ON TERMS OF OFFICE FOR THE DISTRICT ATTORNEY OF THE
25 JUDICIAL DISTRICT.

26 **1-4-1404. Referral of question in multiple-county judicial**
27 **districts.** (1) FOR A JUDICIAL DISTRICT WHOSE TERRITORY IS COMPRISED

1 OF MORE THAN ONE COUNTY, THE BOARDS OF COUNTY COMMISSIONERS OF
2 EACH COUNTY SITUATED WITHIN THE JUDICIAL DISTRICT SHALL BE THE
3 GOVERNING BODIES TO REFER ANY BALLOT QUESTION TO THE ELIGIBLE
4 ELECTORS OF THEIR RESPECTIVE COUNTIES REGARDING THE LENGTHENING,
5 SHORTENING, OR ELIMINATION OF THE LIMITATION ON TERMS OF OFFICE
6 FOR THE DISTRICT ATTORNEY OF THE JUDICIAL DISTRICT IMPOSED BY
7 SECTION 11 OF ARTICLE XVIII OF THE STATE CONSTITUTION.

8 (2) ANY SUCH BALLOT QUESTION SHALL APPEAR ON THE BALLOT
9 IN EACH COUNTY SITUATED WITHIN THE JUDICIAL DISTRICT AT THE SAME
10 ELECTION. THE WORDING OF THE BALLOT QUESTION SHALL BE
11 SUBSTANTIALLY IDENTICAL IN EACH COUNTY SITUATED WITHIN THE
12 JUDICIAL DISTRICT.

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

21 **1-4-1405. General election ballot.** (1) ANY BALLOT QUESTION
22 THAT SEEKS TO LENGTHEN, SHORTEN, OR ELIMINATE THE LIMITATIONS ON
23 TERMS OF OFFICE FOR A DISTRICT ATTORNEY SHALL ONLY BE SUBMITTED
24 TO THE VOTERS OF A JUDICIAL DISTRICT AT A GENERAL ELECTION.

25 (2) ANY SUCH BALLOT QUESTION SHALL APPEAR ON THE OFFICIAL
26 BALLOT USED IN EACH COUNTY IN A JUDICIAL DISTRICT AND SHALL BE
27 A SEPARATE QUESTION FROM ANY OTHER BALLOT QUESTIONS SEEKING TO

1 LENGTHEN, SHORTEN, OR ELIMINATE THE LIMITATIONS ON TERMS OF
2 OFFICE FOR ANY OTHER ELECTED OFFICIALS.

3 **1-4-1406. County clerk and recorder designated election**
4 **official - certification of results to secretary of state.** (1) IN ADDITION
5 TO HIS OR HER DUTIES REGARDING THE GENERAL SURVEY OF RETURNS
6 SPECIFIED IN ARTICLE 10 OF THIS TITLE, THE COUNTY CLERK AND
7 RECORDER OF ANY COUNTY REFERRING A BALLOT QUESTION SEEKING TO
8 LENGTHEN, SHORTEN, OR ELIMINATE THE LIMITATIONS ON TERMS OF
9 OFFICE FOR A DISTRICT ATTORNEY SHALL:

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

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

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

23 **1-4-1407. Initiative - petition.** (1) (a) NOTWITHSTANDING ANY
24 OTHER PROVISION OF LAW, THE REGISTERED ELECTORS OF A COUNTY MAY
25 SUBMIT TO THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY A
26 PROPOSED BALLOT QUESTION REGARDING LENGTHENING, SHORTENING, OR
27 ELIMINATING OF THE LIMITATION ON TERMS OF OFFICE FOR THE DISTRICT

1 ATTORNEY OF THE JUDICIAL DISTRICT IMPOSED BY SECTION 11 OF ARTICLE
2 XVIII OF THE STATE CONSTITUTION. THE REGISTERED ELECTORS MAY
3 COMMENCE THE INITIATIVE PROCESS BY FILING WRITTEN NOTICE OF THE
4 PROPOSED BALLOT QUESTION WITH THE COUNTY CLERK AND RECORDER
5 AND SUBSEQUENTLY, WITHIN ONE HUNDRED EIGHTY DAYS AFTER
6 APPROVAL OF THE PETITION PURSUANT TO SUBSECTION (2) OF THIS
7 SECTION BUT NO LESS THAN ONE HUNDRED FORTY DAYS PRIOR TO THE
8 NEXT SCHEDULED COORDINATED OR GENERAL ELECTION, BY FILING A
9 PETITION SIGNED BY REGISTERED ELECTORS OF THE COUNTY IN AN
10 AMOUNT EQUAL TO AT LEAST FIVE PERCENT OF THE TOTAL NUMBER OF
11 VOTES CAST IN THE COUNTY FOR ALL CANDIDATES FOR THE OFFICE OF
12 DISTRICT ATTORNEY AT THE PREVIOUS GENERAL ELECTION.

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

19 (2)(a) EACH INITIATIVE PETITION FILED PURSUANT TO SUBSECTION
20 (1) OF THIS SECTION SHALL BE PRINTED IN A FORM CONSISTENT WITH THIS
21 SUBSECTION (2). NO PETITION SHALL BE PRINTED OR CIRCULATED UNLESS
22 THE FORM AND THE FIRST PRINTER'S PROOF OF THE PETITION SECTION HAVE
23 FIRST BEEN SUBMITTED TO THE COUNTY CLERK AND RECORDER APPROVED
24 BY THE COUNTY CLERK AND RECORDER. THE COUNTY CLERK AND
25 RECORDER SHALL APPROVE OR REJECT THE FORM AND THE FIRST PRINTER'S
26 PROOF OF THE PETITION NO LATER THAN FIVE BUSINESS DAYS FOLLOWING
27 THE DATE ON WHICH THE COUNTY CLERK AND RECORDER RECEIVED SUCH

1 MATERIAL. THE COUNTY CLERK AND RECORDER SHALL ASSURE THAT THE
2 PETITION SECTION CONTAINS ONLY THOSE ELEMENTS REQUIRED BY THIS
3 SECTION AND CONTAINS NO EXTRANEOUS MATERIAL.

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

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

12 **"WARNING:**

13 **IT IS AGAINST THE LAW:**

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

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

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

27 (II) A SUMMARY OF THE PROPOSED BALLOT QUESTION THAT IS THE

1 SUBJECT OF AN INITIATIVE PETITION SHALL BE PRINTED FOLLOWING THE
2 WARNING ON EACH PAGE OF A PETITION SECTION. THE SUMMARY SHALL
3 BE TRUE AND IMPARTIAL AND SHALL NOT BE AN ARGUMENT, OR LIKELY TO
4 CREATE PREJUDICE, EITHER FOR OR AGAINST THE MEASURE. THE
5 SUMMARY SHALL BE PREPARED BY THE COUNTY CLERK AND RECORDER.

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

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

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

26 (I) THE AFFIANT'S PRINTED NAME, THE ADDRESS AT WHICH THE
27 AFFIANT RESIDES, INCLUDING THE AFFIANT'S STREET NAME AND NUMBER,

1 MUNICIPALITY, AND COUNTY, AND THE DATE THE AFFIANT SIGNED THE
2 AFFIDAVIT;

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

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

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

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

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

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

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

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

1 AND EFFECT.

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

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

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

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

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

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

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

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

17 (7) (a) WITHIN FORTY DAYS AFTER AN INITIATIVE PETITION IS
18 FILED, A PROTEST IN WRITING UNDER OATH MAY BE FILED IN THE OFFICE OF
19 THE COUNTY CLERK AND RECORDER BY ANY REGISTERED ELECTOR WHO
20 RESIDES IN THE COUNTY, SETTING FORTH SPECIFICALLY THE GROUNDS FOR
21 SUCH PROTEST. THE GROUNDS FOR PROTEST MAY INCLUDE, BUT SHALL
22 NOT BE LIMITED TO, THE FAILURE OF ANY PORTION OF A PETITION OR
23 CIRCULATOR AFFIDAVIT TO MEET THE REQUIREMENTS OF THIS SECTION.
24 NO SIGNATURE MAY BE CHALLENGED THAT IS NOT IDENTIFIED IN THE
25 PROTEST BY SECTION AND LINE NUMBER. THE COUNTY CLERK AND
26 RECORDER SHALL FORTHWITH MAIL A COPY OF SUCH PROTEST TO THE
27 PERSONS DESIGNATED AS REPRESENTING THE PETITION PROPONENTS

1 PURSUANT TO PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION AND TO
2 THE PROTESTER, TOGETHER WITH A NOTICE FIXING A TIME FOR HEARING
3 SUCH PROTEST THAT IS NOT LESS THAN FIVE OR MORE THAN TEN DAYS
4 AFTER SUCH NOTICE IS MAILED.

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

9 (c) EVERY HEARING SHALL BE HELD BEFORE THE COUNTY CLERK
10 AND RECORDER WITH WHOM SUCH PROTEST IS FILED. THE COUNTY CLERK
11 AND RECORDER SHALL SERVE AS HEARING OFFICER UNLESS SOME OTHER
12 PERSON IS DESIGNATED BY THE BOARD OF COUNTY COMMISSIONERS AS THE
13 HEARING OFFICER, AND THE TESTIMONY IN EVERY SUCH HEARING SHALL
14 BE UNDER OATH. THE HEARING OFFICER SHALL HAVE THE POWER TO ISSUE
15 SUBPOENAS AND COMPEL THE ATTENDANCE OF WITNESSES. THE HEARING
16 SHALL BE SUMMARY AND NOT SUBJECT TO DELAY AND SHALL BE
17 CONCLUDED WITHIN SIXTY DAYS AFTER THE PETITION IS FILED. NO LATER
18 THAN FIVE DAYS AFTER THE CONCLUSION OF THE HEARING, THE HEARING
19 OFFICER SHALL ISSUE A WRITTEN DETERMINATION OF WHETHER THE
20 PETITION IS SUFFICIENT OR NOT SUFFICIENT. IF THE HEARING OFFICER
21 DETERMINES THAT A PETITION IS NOT SUFFICIENT, THE OFFICER SHALL
22 IDENTIFY THOSE PORTIONS OF THE PETITION THAT ARE NOT SUFFICIENT
23 AND THE REASONS THEREFOR. THE RESULT OF THE HEARING SHALL BE
24 FORTHWITH CERTIFIED TO THE PROTESTER AND TO THE PERSONS
25 DESIGNATED AS REPRESENTING THE PETITION PROPONENTS PURSUANT TO
26 PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION. THE
27 DETERMINATION AS TO PETITION SUFFICIENCY MAY BE REVIEWED BY THE

1 DISTRICT COURT FOR THE COUNTY UPON APPLICATION OF THE PROTESTER,
2 THE PERSONS DESIGNATED AS REPRESENTING THE PETITION PROPONENTS,
3 OR THE COUNTY, BUT SUCH REVIEW SHALL BE HAD AND DETERMINED
4 FORTHWITH.

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

9 **1-4-1408. Prior actions not affected.** DISTRICT ATTORNEY TERM
10 LIMIT BALLOT QUESTIONS APPROVED BY THE VOTERS OF ANY JUDICIAL
11 DISTRICT PRIOR TO THE EFFECTIVE DATE OF THIS PART 14 ARE NOT
12 AFFECTED BY THE ENACTMENT OF THIS PART 14 AND SHALL REMAIN
13 VALID.

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

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