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2013-2014 #79 – Final Text

FEB 26 2014

S.WARD

10:56 A.M.

ELECTIONS/LICENSING  
SECRETARY OF STATE

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

**SECTION 1.** In the constitution of the state of Colorado, **amend** section 25 of article VI as follows:

**§ 25. Election of justices and judges**

A justice of the supreme court or a judge of any other court of record, who shall desire to retain his judicial office for another term after the expiration of his then term of office shall file with the secretary of state, not more than six months nor less than three months prior to the general election next prior to the expiration of his then term of office, a declaration of his intent to run for another term. Failure to file such a declaration within the time specified shall create a vacancy in that office at the end of his then term of office. Upon the filing of such a declaration, a question shall be placed on the appropriate ballot at such general election, as follows:

"Shall Justice (Judge) .... of the Supreme (or other) Court be retained in office? YES/.../NO/.../." If AT LEAST a TWO-THIRDS majority of those voting on the question vote "Yes", the justice or judge is thereupon elected to a succeeding full term. If LESS THAN a TWO-THIRDS majority of those voting on the question vote "No YES", this will cause a vacancy to exist in that office at the end of his then present term of office. TO DETERMINE THE AMOUNT OF VOTES NECESSARY FOR A JUSTICE OR JUDGE TO BE RETAINED IN OFFICE, THE TOTAL NUMBER OF VOTES ON THE QUESTION OF RETENTION FOR SUCH JUSTICE OR JUDGE SHALL BE DIVIDED BY THREE AND THE RESULTING NUMBER SHALL THEN BE MULTIPLIED BY TWO WITH THE ULTIMATE RESULTING NUMBER BEING THE TOTAL NUMBER OF "YES" VOTES NECESSARY FOR SUCH JUSTICE OR JUDGE TO BE RETAINED IN OFFICE. IF THE ULTIMATE RESULTING NUMBER CONTAINS A DECIMAL, NUMBERS ENDING IN LESS THAN .5 SHALL BE ROUNDED DOWN AND NUMBERS ENDING IN .5 OR GREATER SHALL BE ROUNDED UP TO DETERMINE THE TOTAL NUMBER OF VOTES NECESSARY FOR RETENTION.

In the case of a justice of the supreme court or any intermediate appellate court, the electors of the state at large; in the case of a judge of a district court, the electors of that judicial district; and in the case of a judge of the county court or other court of record, the electors of that county; shall vote on the question of retention in office of the justice or judge.

TO INSPIRE CONFIDENCE IN A JUDICIARY WHERE JUSTICES AND JUDGES SEEK RETENTION THROUGH UNCONTESTED ELECTIONS, IT IS DETERMINED THAT A SIMPLE MAJORITY VOTE IS NO LONGER SUFFICIENT AND AT LEAST A TWO-THIRDS MAJORITY OF "YES" VOTES IS REQUIRED FOR A JUSTICE OR JUDGE TO BE RETAINED IN OFFICE. THEREFORE, IN THE NOVEMBER 4, 2014, GENERAL ELECTION, AND IN EVERY ELECTION

THEREAFTER, A JUSTICE OR JUDGE MUST BE RETAINED BY AT LEAST A TWO-THIRDS MAJORITY VOTE.