

Amendment ? : New 23rd Judicial District Judges

Placed on the ballot by the legislature • Passes with 55 percent of the vote

1 **Amendment ? proposes amending the Colorado Constitution to:**

- 2 • require the Governor to reassign judges from the existing 18th Judicial District
3 to the new 23rd Judicial District on a one-time basis.

4 **What Your Vote Means**

YES

5 A “yes” vote on
6 Amendment ? directs the
7 Governor to reassign
8 judges from the existing 18th Judicial
9 District to the new 23rd Judicial District
10 by November 30, 2024.

NO

A “no” vote on Amendment ?
means that judges will be
appointed or assigned to the new 23rd
Judicial District under provisions in current
law.

1 **Summary and Analysis for Amendment ?**

2 In 2020, the state legislature passed a law to create the 23rd Judicial District. The law
3 specified that judges who currently live within the new district boundaries will be
4 reassigned to the new district. Amendment ? addresses this same judicial transfer by
5 adding constitutional provisions for the seating of 23rd Judicial District judges and
6 ensures court services continue without interruption or uncertainty. Specifically,
7 Amendment ? amends the state constitution to require the Governor to reassign judges
8 from the 18th Judicial District to the newly formed 23rd Judicial District.

9 **What is the difference between the Colorado Constitution and state statutes?**

10 The Colorado Constitution is the highest legal authority in the state and establishes
11 government duties and functions. The state constitution is broad in scope and does not
12 cover all areas of the law. The state legislature has the authority to enact statutes that
13 impact many aspects of daily life and are generally more detailed and specific. State
14 statutes must not violate the state constitution.

15 **What are judicial districts?**

16 Under the state constitution, the state is divided into judicial districts consisting of one or
17 more counties. District courts in these judicial districts hear both civil and criminal court
18 cases, including felony criminal cases, family law matters, settling of wills after death,
19 and behavioral health cases. The state legislature may change the boundaries of a
20 judicial district, or increase or reduce the number of judicial districts.

21 There have been 22 judicial districts in Colorado since 1964. In 2020, the Colorado
22 legislature created a new 23rd Judicial District out of the existing 18th Judicial District.
23 Beginning in 2025, the 18th Judicial District will consist of Arapahoe County, and the
24 23rd Judicial District will include Douglas, Elbert, and Lincoln Counties.

25 **How are judges selected in Colorado?**

26 The state constitution requires judges to be nominated by a judicial nominating
27 commission and then appointed by the Governor. Thereafter, judges must periodically
28 go before voters in retention elections if they wish to serve additional terms.
29 Reassigning judges from one district to another is not covered in this process.

30 **What happens if Amendment ? passes?**

31 Amendment ? directs the Governor to reassign judges from the 18th Judicial District to
32 the newly created 23rd Judicial District. Reassigned judges must live in the new 23rd
33 Judicial District, and may run in retention elections to serve additional terms in the new
34 district once their initial terms are complete.

35 **What happens if Amendment ? fails?**

36 If Amendment ? fails, it is uncertain how the transition of judges to the new district will be
37 resolved. The statute that created the 23rd Judicial District requires any judges who
38 were appointed or retained for a term in the 18th Judicial District and who now live in the
39 new 23rd Judicial District to complete their terms in the new district. Once that term is
40 complete, the statute also allows them to run in retention elections to serve additional

1 terms in the 23rd Judicial District. Casework and court proceedings in the new 23rd
2 Judicial District also may be reassigned as determined by the Judicial Department.
3 Additionally, the state constitution provides that judicial vacancies are filled by a
4 nominating process and appointment by the Governor, regardless of how the vacancy
5 occurred.

For information on those issue committees that support or oppose the measures on the ballot at the November 8, 2022, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information:

<http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html>

6 **Argument For Amendment ?**

7 1) Amendment ? establishes a smooth transition for the new judicial district and helps
8 avoid the cost of potential litigation. It is unclear if current state law will ensure the
9 proper seating of judges in the new district, and the amendment provides a definitive
10 legal mechanism for the transition, avoiding invalidation of rulings resulting from
11 allegations of improper seating of judges. Requiring the Governor to assign judges
12 to the new district in a timely and efficient way also prevents disruptions and delays
13 in casework and court proceedings.

14 **Argument Against Amendment ?**

15 1) Amendment ? is not the only way to assign judges to the 23rd Judicial District. A
16 law passed by the legislature in 2020 already specifies that 18th Judicial District
17 judges living in the new district as of 2025 must complete their terms as judges for
18 the new district. Additionally, the constitution and state statute allow for judges to be
19 appointed through a vacancy process or to serve in other districts under certain
20 circumstances.

21 **Fiscal Impact for Amendment ?**

22 Amendment ? will increase workload in the Governor's office to reassign judges to the
23 new 23rd Judicial District. In addition, by resolving the constitutionality of seating judges
24 in the new 23rd Judicial District in advance, the state will avoid potential costs of
25 litigation to determine how the judges should be assigned.