

Designation of parties representing the proponents for
Statutory ballot initiative.

Proposal tracking no. _____ Draft version: ORIGINAL DRAFT

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BALLOT INITIATIVE FOR A STATUTORY PROPOSITION

Concerning the Repeal, Amendment, and Readoption of 13-5.5-101 C.R.S. et. al;
Colorado Judicial Performance Commission.

Bill Summary

Under current law, the Colorado Judicial Performance Commission is under the Judicial Branch in accordance with 13-5.5-101 C.R.S. et. al. This Statutory Initiative amends that Statute to place the Commission under the control and direction of the Colorado Secretary of State. Its main purpose is to bring 100% complete transparency and accountability to the judicial retention process without any appearance of bias and provide the State with a better, more accurate and further detailed performance grading of all Colorado Judges; all at a lower cost to the State and litigants. Additionally, the Judicial branch becomes further transparent through this bill by again mandating compliance with the Colorado Open Records Statute.

Capital letters indicate new material to be added to existing statute.
Dashes through the words indicated deletions from existing statutes.
Red type indicates changes from existing statutes.

1 *Be it enacted by the people of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 13-5.5-101 et. al. **amend** as
3 follows:

4 13-5.5-101. ~~Legislative declaration~~ **CITIZEN DECLARATION**

5 (1) The ~~general assembly~~ **CITIZENS OF COLORADO** hereby find~~s~~ and declare~~s~~ that
6 it is in the public interest to establish a system of evaluating judicial performance
7 to provide persons voting on the retention of justices and judges with fair,
8 **ACCURATE, DETAILED, TRANSPARENT, ACCOUNTABLE**, responsible, and
9 constructive information about judicial performance and to provide justices and
10 judges with useful information concerning their own performances. The ~~general~~

11 ~~assembly~~ **CITIZENS OF COLORADO** further finds and declares that the evaluation
12 of judicial performance should be conducted statewide ~~and within each judicial~~
13 ~~district~~ using uniform criteria and procedures pursuant to the provisions of this
14 article.

15 (2) The ~~general assembly~~ **CITIZENS OF COLORADO** further finds and declares that
16 it is in the public interest to establish an office of judicial performance evaluation
17 within the ~~judicial~~ **OFFICE OF THE COLORADO SECRETARY OF STATE** ~~department~~
18 ~~of the state~~ to implement the provisions of this article.

19 13-5.5-101.5. Office of judicial performance evaluation.

20 (1) There is hereby established in the **COLORADO SECRETARY OF STATE, A**
21 department the office of judicial performance evaluation, referred to in this
22 article as the "office". The state commission on judicial performance established
23 pursuant to section 13-5.5-102 shall oversee the office.

24 (2) The state commission shall ~~appoint an executive director of the office who~~
25 ~~shall serve at the pleasure of the state commission. The compensation of the~~
26 ~~executive director shall be the same as the general assembly establishes for a~~
27 ~~judge of the district court. The compensation paid to the executive director shall~~
28 ~~not be reduced during the time that a person serves as executive director.~~ **BE**
29 **DIRECTED BY THE COLORADO SECRETARY OF STATE.**

30 The ~~executive director~~ **COLORADO SECRETARY OF STATE** shall hire additional
31 staff for the office as necessary and as approved by the state commission.

32 (3) Subject to the supervision of the state commission, the office, **WHICH SHALL**
33 **NOT BE CONTAINED IN THE SAME FACILITY AS ANY JUDICIAL FUNCTION TO**
34 **AVOID ANY APPEARANCE OF BIAS**, shall:

35 (a) Staff the state ~~and district~~ commissions when directed to do so by the state
36 commission;

37 (b) Train members of the state ~~and district~~ commissions **IN THE PROCESS OF**
38 **IMPLEMENTATION OF RULES PURSUANT TO THIS STATUTE;**

39 (c) Collect and disseminate data on judicial performance evaluations **IN**
40 **COMPLIANCE WITH THE PROVISIONS OF THIS STATUTE CONTINUALLY STRIVING**
41 **FOR 100% ACCOUNTABILITY AND TRANSPARENCY;**

42 (d) Conduct public education efforts concerning the judicial performance
43 evaluation process **BY FULLY EXPLAINING THE LATEST UP TO DATE PROCESS,**
44 **AND SURVEY EVALUATION VIA THE INTERNET IN REAL TIME. ~~and retention~~**
45 **~~recommendations of the state and district commissions;~~**

46 (e) Measure public awareness of the judicial performance evaluation process
47 through **regular polling CONTINUED EMAIL SURVEYS THAT SHALL BE 100%**
48 **TRANSPARENT AND THE RESULTS IMMEDIATELY AVAILABLE AT NO CHARGE TO**
49 **THE PUBLIC ON THE INTERNET; ~~and~~**

50 (f) Complete other duties as assigned by the state commission; and

51 (g) **CONDUCT ALL FUNCTIONS IN THE MOST TRANSPARENT, ACCURATE,**
52 **DETAILED, CONVENIENT, EFFICIENT AND ACCOUNTABLE METHODS AVAILABLE**
53 **WITHOUT COST TO ANY PERSON REQUESTING ANY INFORMATION PERTAINING**
54 **TO THIS STATUTE. COLORADO OPEN RECORDS ACT STATUTES SHALL PERTAIN**
55 **TO THE ENTIRE JUDICIAL BRANCH FOR PURPOSES OF THIS STATUTE AND SHALL**
56 **BE STRICTLY COMPLIED WITH IN ALL MATTERS PERTAINING TO THIS STATUTE**
57 **NOTWITHSTANDING ANY CONTRARY STATUTE OR PREVIOUS JUDICIAL RULING.**

58 (4) Expenses of the office shall be paid for from the state commission on judicial
59 performance cash fund created pursuant to section 13-5.5-107.

60 13-5.5-102. State commission on judicial performance - repeal.

61 (1) (a) (I) (A) There is hereby established the state commission on judicial
62 performance, referred to in this article as the "state commission". **The state**
63 **commission shall consist of ten members. THE COUNTY COMMISSIONERS OF**
64 **EACH COUNTY WILL ELECT TWO OF THEIR CURRENT MEMBERS IN GOOD**
65 **STANDING TO BE A MEMBER OF THE STATE COMMISSION ON JUDICIAL**
66 **PERFORMANCE. NO MORE THAN ONE PERSON FROM EACH COUNTY SHALL BE**
67 **AN ATTORNEY DURING THEIR LIFETIME,**

68 **~~The speaker of the house of representatives and the president of the senate~~**
69 **~~shall each appoint one attorney and one nonattorney. The governor and the~~**
70 **~~chief justice of the supreme court shall each appoint one attorney and two~~**
71 **~~nonattorneys.~~**

72 (B) For purposes of this subsection (1), "attorney" means a person admitted to
73 practice law ~~before the courts of this state~~ **IN ANY STATE.**

74 (II) (A) All members of the state commission shall serve terms of ~~four~~ TWO years.
75 The term of each member of the state commission shall expire on November 30
76 of an odd-numbered year, and the term of a member appointed to replace a
77 member at the end of the member's term shall commence on December 1 of the
78 year in which the previous member's term expires.

79 ~~(B) The term of each member serving as of January 1, 2009, shall be extended~~
80 ~~until November 30 of the odd-numbered year following the completion of that~~
81 ~~member's term. This subsubparagraph~~

82 ~~(B) is repealed, effective July 1, 2014.~~

83 ~~(b)-(4)~~ (B)(a) Any vacancy on the state commission shall be filled by the original
84 appointing **RESPECTIVE COUNTY BOARD OF COMMISSIONERS**, but a member
85 shall not serve more than ~~two~~ **THREE** full terms plus any balance remaining on an
86 unexpired term if the initial appointment was to fill a vacancy. Within five days
87 after a vacancy arises on the state commission, the state commission shall notify
88 the ~~appointing authority~~ **RESPECTIVE COUNTY COMMISSIONERS BOARD** of the
89 vacancy, and the appointing authority shall make an appointment within forty-
90 five days after the date of the vacancy. If the original appointing authority fails to
91 make the appointment within forty-five days after the date of the vacancy, the
92 state commission shall make the appointment **WHICH SHALL BE TAKEN ONLY**
93 **FROM THE ELIGIBLE MEMBERS OF THE RESPECTIVE ACTING COUNTY**
94 **COMMISSIONER BOARD.**

95 ~~(4)~~ (b) Justices and judges actively performing judicial duties may not be
96 appointed to serve on the state commission. Former justices and judges **AS**
97 **MEMBERS OF CURRENT RESPECTIVE COUNTY COMMISSIONERS** are eligible to be
98 appointed as attorney members; except that a former justice or judge may not be
99 assigned or appointed to perform judicial duties while serving on the state
100 commission.

101 ~~(c) The chair of the state commission shall be elected by its members~~ **THE**
102 **COLORADO SECRETARY OF STATE WITHOUT VOTING PRIVILEGES EXCEPT TO**
103 **BREAK A TIE VOTE OF THE COMMISSION.**

104 (2) Members and employees of the state commission shall be immune from suit
105 in any action, civil or criminal, based upon official acts performed in good faith
106 **AND IN STRICT ACCORD WITH THE MANDATES OF FULL TRANSPARENCY AND**
107 **ACCOUNTABILITY PURSUANT TO THE STATUTE AND IN FULL COMPLIANCE WITH**
108 **CORA** as members of the state commission. DIVERGENCE FROM THE MANDATES
109 OF THIS STATUTE OF STRIVING TO OBTAIN 100% ACCOUNTABILITY AND
110 TRANSPARENCY IS PRIMA FACIE EVIDENCE OF BAD FAITH AND THE VIOLATING
111 PARTIES SHALL BECOME PERSONALLY LIABLE.

112 (3) ~~A member of the state commission shall recuse himself or herself from any~~
113 ~~evaluation of the person who appointed the member to the commission.~~

114 13-5.5-103. Powers and duties of the state commission.

115 (1) In addition to other powers conferred and duties imposed upon the state
116 commission by this article, the state commission has the following powers and
117 duties:

118 ~~(a) To appoint and supervise a person to serve as the executive director of the~~
119 ~~office of judicial performance evaluation;~~

120 ~~(b) (a)~~ To assist the ~~executive director~~ **COLORADO SECRETARY OF STATE** in
121 managing the office and providing fiscal oversight of the operating budget of the
122 office;

123 ~~(c) (b)~~ To develop uniform **ACCURATE, TRANSPARENT, ACCOUNTABLE AND**
124 **DETAILED SURVEYES**, ~~procedures and techniques~~ for evaluating ~~district and~~
125 ~~county judges~~, justices of the Colorado supreme court **INCLUDING JUDGES**
126 **APPOINTED TO THE OFFICE OF ATTORNEY REGULATION, and** judges of the court
127 of appeals, **DISTRICT COURT JUDGES, COUNTY COURT JUDGES, SENIOR JUDGES**
128 **AND MAGISTRATES ASSOCIATED WITH ANY OF THE ABOVE COURTS** based
129 **STRICTLY** on **SURVEYS AND COMMENTS PROVIDED BY RESPECTIVE PARTIES**
130 ~~performance~~ criteria **AND IN STRICT ACCOUNTABLE, DETAILED AND**
131 **TRANSPARENT COMPLIANCE WITH THE MANDATES** provided in section 13-5.5-
132 105.5;

133 ~~(d) (c) To develop guidelines and procedures for the continuous collection of~~
134 ~~data for use in the evaluation process;~~ **TO DEVELOPE GUIDELINES AND**
135 **PROCEEDURES FOR THE MOST REASONABLE COST, CONTINUOUS, 100%**

136 **COMPLETE, 100% TRANSPARENT AND 100% ACCOUNTABLE COLLECTION OF**
137 **AND PUBLICATION OF DATA FOR USE IN THE EVALUATION PROCESS OF EVERY**
138 **COLORADO JUDGE AND MAGISTRATE, INCLUDING SENIOR JUDGES. THERE**
139 **SHALL BE A LINE ITEM VOTE FOR EACH RULE, PROPOSAL, GUIDELINE,**
140 **PARAMETER AND EACH SHALL BE VOTED AND APPROVED BY A 66% VOTE OF**
141 **THE STATE COMMITTEE MEMBERS ON A BI-ANNUAL BASIS. ALL RULES SHALL**
142 **HAVE A SUNSET EVERY TWO YEARS AND READOPTED OR AMENDED. ALL**
143 **PROCEDURES PERTAINING TO THIS STATUTE SHALL BE HANDLED ONLY IN-**
144 **HOUSE BY THE COLORADO SECRETARY OF STATE EMPLOYEES. NO EXTERNAL**
145 **VENDORS, CONTRACTORS OR SUB CONTRACTORS SHALL BE EMPLOYEED. NO**
146 **FUTURE RULE, GUIDELINE OR PARAMETER SHALL IN ANY MANNER CHANGE OR**
147 **ALTER THE MANDATES OF THIS STATUTE AND SHALL NOT IN ANY MANNER**
148 **NEGATE OR DIMINISH THE GOAL OF COMPLETE TRANSPARENCY AND**
149 **ACCOUNTABILITY NECESSARY TO PROVIDE CONFIDENCE AND TRUST IN OUR**
150 **JUDGES AND JUSTICE SYSTEM.**

151 ~~(e)~~ (d) To develop ~~surveys~~ **A SINGLE SURVEY** for **ALL** persons affected by justices
152 and judges, including but not limited to attorneys, **INCLUDING NAMED**
153 **INDIVIDUAL CLIENTS OF ATTORNEYS IN CIVIL CASES AND NAMED DEFENDANTS**
154 **OF ATTORNEYS IN CRIMINAL CASES**, jurors, litigants, **INCLUDING ALL PRO-SE**
155 **LITIGANTS AND ALL LITIGANTS IN QUASI-JUDICIAL HEARINGS INCLUDING BUT**
156 **NOT EXCLUSIVE OF RULE 120 LITIGANTS, PARENTS AND GUARDIANS OF**
157 **MINORS, INTERESTED PARTIES IN PROBATE PROCEEDINGS**, law enforcement
158 personnel, attorneys within the district attorneys' and public defender's offices,
159 employees of the court, court interpreters, employees of probation offices,
160 employees of local departments of social services, and victims of crimes, as
161 defined in section 24-4.1-302 (5), C.R.S.;

162 **(e) EVERY PARTY LISTED IN SUBSECTION (d) ABOVE SHALL SUBMIT ONLY ONE**
163 **SURVEY FOR EACH RESPECTIVE JUDGE FOR EACH RESPECTIVE JUDICIAL**
164 **RETENTION PERIOD, UNAFFECTED BY THE NUMBER OF CONTACTS WITH THE**
165 **RESPECTIVE JUDGE. IT IS A PRIMARY DUTY OF THE SECRETARY OF STATE, IN**
166 **COOPERATION AND SUPPORT OF EACH RESPECTIVE JUDGE, RESPECTIVE**
167 **MAGISTRATE, AND THE COLORADO SUPREME COURT TO IMPLEMENT AND**
168 **ENFORCE MANDATORY REVIEW SUBMISSION TO THE SECRETARY OF STATE BY**

169 EVERY PARTY AFFECTED BY THIS STATUTE IN THE MOST EFFICIENT MANNER VIA
170 THE INTERNET WHERE POSSIBLE.

171 ~~(f) To determine the statistical validity of completed surveys, report to the~~
172 ~~district commissions on the statistical validity of the surveys for their districts,~~
173 ~~and specify when and how statistically invalid surveys may be used;~~

174 ~~(g) To prepare alternatives to surveys where sample populations are inadequate~~
175 ~~to produce valid results;~~

176 ~~(h)~~(f) To produce ~~and distribute narratives and~~ 100% COMPLETE SURVEY
177 REPORT RESULTS FREE OF CHARGE INCLUDING COMMENTS, AVAILABLE ON THE
178 INTERNET, WITH SURVEY SUMMARIES OF SAID SURVEYS IN COMPLIANCE WITH
179 THIS STATUTE AND REFERENCES TO COLORADO SECRETARY OF STATE FULL
180 REPORT WEB PAGES, FOR REVIEW BY VOTERS IN THE BLUE BOOK;

181 ~~(i) To review case management data and statistics for individual appellate justices~~
182 ~~and judges provided by the state court administrator;~~

183 ~~(j) To review written judicial opinions;~~

184 ~~(k) To collect information from direct courtroom observation;~~

185 (l) To ~~interview justices and appellate judges and other persons and~~ accept AND
186 PUBLISH ON THE INTERNET, information and documentation from interested
187 persons ON RESPECTIVE JUDGES AND MAGISTRATES;

188 ~~(m) To draft narratives that reflect the results of judicial performance evaluations~~
189 ~~of justices and appellate judges;~~

190 (n) To distribute to the public ~~narratives that reflect the results of each judicial~~
191 ~~performance evaluation of each appellate justice or judge~~ VIA THE INTERNET
192 ACCURATE RESULTS OF SURVEYS INCLUDING COMMENTS FROM EACH
193 SURVEYOR AND INTERESTED PARTIES. THE SECRETARY OF STATE SHALL ONLY
194 EDIT PERSONAL INFORMATION AND VULGARITY OUT OF EVERY COMMENT
195 WHICH WILL BE LIMITED TO 100 WORDS;

196 (o) (l) Subject to LINE ITEM VOTE approval by the ~~Colorado supreme court~~
197 COLORADO JUDICIAL PERFORMANCE COMMISSION BY A QUORUM OF 90% OR
198 GREATER VIA THE INTERNET, to promulgate rules necessary to implement and

199 effectuate the provisions of this article., ~~including rules to be followed by the~~
200 ~~district commissions.~~

201 (II) Prior to the final promulgation of any rule pursuant to this paragraph (o), the
202 state commission shall post a notice of the proposed rule, allow for a period for
203 public comment ~~VIA EMAIL PUBLISHED TO THE SECRETARY OF STATE WEB SITE,~~
204 ~~and give the public an opportunity to address the commission concerning the~~
205 ~~proposed rule at a public hearing.~~

206 ~~(III) The state commission may adopt rules or standards that provide guidance~~
207 ~~to members of the state commission or members of district commissions~~
208 ~~regarding the review or interpretation of information obtained as a result of the~~
209 ~~evaluation process and the criteria contained in section~~

210 ~~13-5.5-105.5. Any such rules or standards shall:~~

211 ~~(A) Be consistent with paragraphs (e), (f), and (g) of this subsection (1), in that~~
212 ~~the rules or standards and the application thereof shall take into consideration~~
213 ~~the statistical reliability of survey data; and~~

214 ~~(B) Not divest any member of the state commission or a district commission of~~
215 ~~his or her ultimate authority to decide whether to vote for or against~~
216 ~~recommending retention of a justice or judge and be consistent with subsection~~
217 ~~(2) of this section and section 13-5.5-105 (2).~~

218 ~~(p) To develop procedures for the review of the deliberation procedures~~
219 ~~established by the district commissions. However, the state commission shall~~
220 ~~not have the power or duty to review actual determinations made by the~~
221 ~~district commissions.~~

222 ~~(q) To gather and maintain statewide statistical data and post a statistical report~~
223 ~~of the statewide data on its web site no later than thirty days prior to each~~
224 ~~retention election. The statistical report shall specify:~~

225 ~~(I) The total number of justices and judges who were eligible to stand for~~
226 ~~retention;~~

227 ~~(II) The total number of evaluations of justices and judges performed by the~~
228 ~~state and district commissions;~~

229 ~~(III) The total number of justices and judges who were evaluated but did not~~
230 ~~stand for retention; and~~

231 ~~(IV) The total number of justices and judges recommended as "retain", "do not~~
232 ~~retain", or "no opinion", respectively.~~

233 ~~(2) Unless recused pursuant to a provision of this article, each member of the~~
234 ~~state commission shall have the discretion to vote for or against retention of a~~
235 ~~justice or judge based upon his or her review of all information before the state~~
236 ~~commission.~~

237 ~~13-5.5-104. District commission on judicial performance—repeal.~~

238 ~~(1) (a) (I) (A) There is hereby established in each judicial district a district~~
239 ~~commission on judicial performance, referred to in this article as the "district~~
240 ~~commission". The district commission shall consist of ten members. The speaker~~
241 ~~of the house of representatives and the president of the senate shall each~~
242 ~~appoint one attorney and one nonattorney. The governor and the chief justice~~
243 ~~of the supreme court shall each appoint one attorney and two nonattorneys~~

244 ~~(B) For purposes of this subsection (1), "attorney" means a person admitted to~~
245 ~~practice law before the courts of this state.~~

246 ~~(II) All members of the district commission shall serve terms of four years. The~~
247 ~~term of each member of a district commission shall expire on November 30 of~~
248 ~~an odd numbered year, and the term of any member appointed to replace a~~
249 ~~member at the end of the member's term shall commence on December 1 of~~
250 ~~the year when the previous member's term expires.~~

251 ~~(III) The appointing authority may remove members of the district commissions~~
252 ~~for cause.~~

253 ~~(b) (I) Any vacancy on the district commission shall be filled by the original~~
254 ~~appointing authority, but a member shall not serve more than two full terms~~
255 ~~plus any balance remaining on an unexpired term if the initial appointment was~~
256 ~~to fill a vacancy. Within five days after arises on a district commission, the~~
257 ~~district commission shall notify the appointing authority and the state~~
258 ~~commission of the vacancy, and the appointing authority shall make an~~
259 ~~appointment within forty five days after the date of the vacancy. If the original~~

260 ~~appointing authority fails to make the appointment within forty five days after~~
261 ~~the date of the vacancy, the state commission shall make the appointment.~~

262 ~~(II) Justices and judges actively performing judicial duties may not be appointed~~
263 ~~to serve on the district commission. Former justices and judges are eligible to be~~
264 ~~appointed as attorney members; except that a former justice or judge may not~~
265 ~~be assigned or appointed to perform judicial duties while serving on the district~~
266 ~~commission.~~

267 ~~(c) The chair of the district commission shall be elected by its members every~~
268 ~~two years.~~

269 ~~(2) The district administrator of each judicial district and his or her staff shall~~
270 ~~serve as the staff for the district commission.~~

271 ~~(3) Members and employees of a district commission shall be immune from suit~~
272 ~~in any action, civil or criminal, based upon official acts performed in good faith~~
273 ~~as members of the district commission.~~

274 ~~(4) A member of a district commission shall recuse himself or herself from an~~
275 ~~evaluation of the person who appointed the member to the commission.~~

276 ~~13-5.5-105. Powers and duties of district commissions.~~

277 ~~(1) In addition to other powers conferred and duties imposed upon a district~~
278 ~~commission by this article, in conformity with the rules, guidelines, and~~
279 ~~procedures adopted by the state commission~~

280 ~~pursuant to section 13-5.5-103 (1) (f) and the state commission's review of the~~
281 ~~deliberation procedures pursuant to section 13-5.5-103 (1) (p), a district~~
282 ~~commission has the following powers and duties:~~

283 ~~(a) To review case management statistics and data for individual district and~~
284 ~~county court judges provided by the state court administrator;~~

285 ~~(b) To review written judicial opinions and orders of district and county court~~
286 ~~judges within the judicial district;~~

287 ~~(c) To collect information from direct courtroom observation of district and~~
288 ~~county court judges within the judicial district;~~

289 ~~(d) To interview district and county court judges and other persons and accept~~
290 ~~information and documentation from interested persons;~~

291 ~~(e) To obtain information from parties and attorneys regarding district and~~
292 ~~county court judges' handling of domestic relations and family law cases with~~
293 ~~respect to the judges' fairness, patience with pro se parties, gender neutrality,~~
294 ~~and handling of emotional parties; and~~

295 ~~(f) To draft narratives that reflect the results of judicial performance evaluations~~
296 ~~of district and county court judges.~~

297 ~~(2) Unless recused pursuant to a provision of this article, each member of a~~
298 ~~district commission shall have the discretion to vote for or against retention of a~~
299 ~~district or county judge based upon~~

300 ~~his or her review of all information before the district commission.~~

301 ~~(3) Upon completing its required recommendations and narratives, each district~~
302 ~~commission shall collect all documents and other information, including all~~
303 ~~copies, received regarding the justices or judges evaluated. Each district~~
304 ~~commission shall forward the documents and other information, including all~~
305 ~~copies, to the state commission within thirty days following submission of the~~
306 ~~district commission's recommendations and narratives to the state commission.~~

307 ~~The state commission shall adopt rules regarding retention of evaluation~~
308 ~~information, which shall be made available to district commissions for~~
309 ~~subsequent evaluations of the justices or judges.~~

310 ~~13-5.5-105.5. Judicial performance criteria.~~

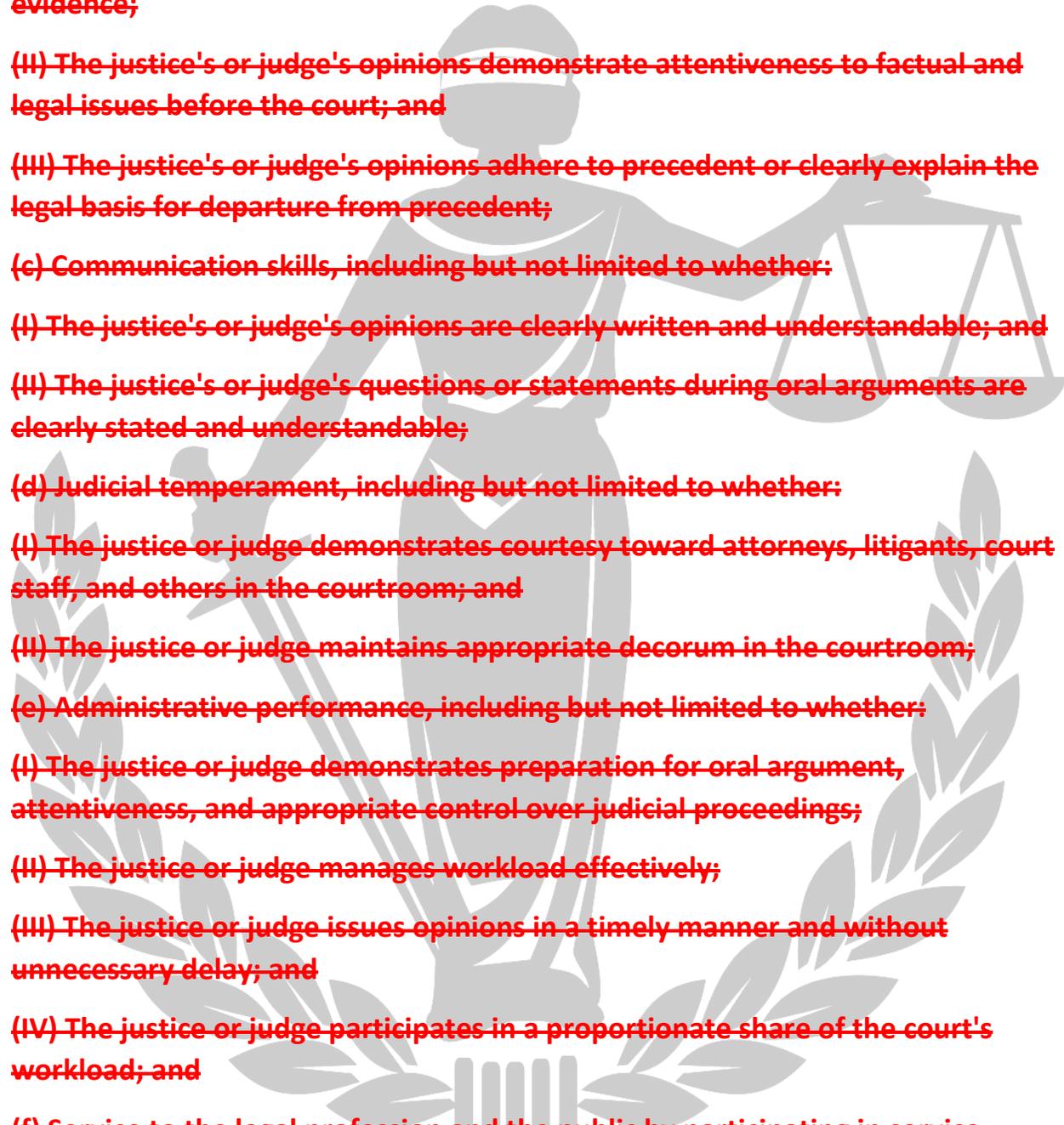
311 ~~(1) The state commission shall evaluate each justice of the Colorado supreme~~
312 ~~court, and each judge of the Colorado court of appeals, based on the following~~
313 ~~performance criteria:~~

314 ~~(a) Integrity, including but not limited to whether:~~

315 ~~(I) The justice or judge avoids impropriety or the appearance of impropriety;~~

316 ~~(II) The justice or judge displays fairness and impartiality toward all participants;~~
317 ~~and~~

318 ~~(III) The justice or judge avoids ex parte communications;~~

- 
- 319 ~~(b) Legal knowledge, including but not limited to whether:~~
- 320 ~~(I) The justice's or judge's opinions are well-reasoned and demonstrate an~~
- 321 ~~understanding of substantive law and the relevant rules of procedure and~~
- 322 ~~evidence;~~
- 323 ~~(II) The justice's or judge's opinions demonstrate attentiveness to factual and~~
- 324 ~~legal issues before the court; and~~
- 325 ~~(III) The justice's or judge's opinions adhere to precedent or clearly explain the~~
- 326 ~~legal basis for departure from precedent;~~
- 327 ~~(c) Communication skills, including but not limited to whether:~~
- 328 ~~(I) The justice's or judge's opinions are clearly written and understandable; and~~
- 329 ~~(II) The justice's or judge's questions or statements during oral arguments are~~
- 330 ~~clearly stated and understandable;~~
- 331 ~~(d) Judicial temperament, including but not limited to whether:~~
- 332 ~~(I) The justice or judge demonstrates courtesy toward attorneys, litigants, court~~
- 333 ~~staff, and others in the courtroom; and~~
- 334 ~~(II) The justice or judge maintains appropriate decorum in the courtroom;~~
- 335 ~~(e) Administrative performance, including but not limited to whether:~~
- 336 ~~(I) The justice or judge demonstrates preparation for oral argument,~~
- 337 ~~attentiveness, and appropriate control over judicial proceedings;~~
- 338 ~~(II) The justice or judge manages workload effectively;~~
- 339 ~~(III) The justice or judge issues opinions in a timely manner and without~~
- 340 ~~unnecessary delay; and~~
- 341 ~~(IV) The justice or judge participates in a proportionate share of the court's~~
- 342 ~~workload; and~~
- 343 ~~(f) Service to the legal profession and the public by participating in service-~~
- 344 ~~oriented efforts designed to educate the public about the legal system and to~~
- 345 ~~improve the legal system.~~

346 ~~(2) The district commissions shall evaluate district and county judges based on~~
347 ~~the following criteria:~~

348 ~~(a) Integrity, including but not limited to whether:~~

349 ~~(I) The judge avoids impropriety or the appearance of impropriety;~~

350 ~~(II) The judge displays fairness and impartiality toward all participants; and~~

351 ~~(III) The judge avoids ex parte communications;~~

352 ~~(b) Legal knowledge, including but not limited to whether:~~

353 ~~(I) The judge demonstrates an understanding of substantive law and relevant~~
354 ~~rules of procedure and evidence;~~

355 ~~(II) The judge demonstrates awareness of and attentiveness to factual and legal~~
356 ~~issues before the court; and~~

357 ~~(III) The judge appropriately applies statutes, judicial precedent, and other~~
358 ~~sources of legal authority;~~

359 ~~(c) Communication skills, including but not limited to whether:~~

360 ~~(I) The judge's findings of fact, conclusions of law, and orders are clearly written~~
361 ~~and understandable;~~

362 ~~(II) The judge's oral presentations are clearly stated and understandable and the~~
363 ~~judge clearly explains all oral decisions; and~~

364 ~~(III) The judge clearly presents information to the jury;~~

365 ~~(d) Judicial temperament, including but not limited to whether:~~

366 ~~(I) The judge demonstrates courtesy toward attorneys, litigants, court staff, and~~
367 ~~others in the courtroom;~~

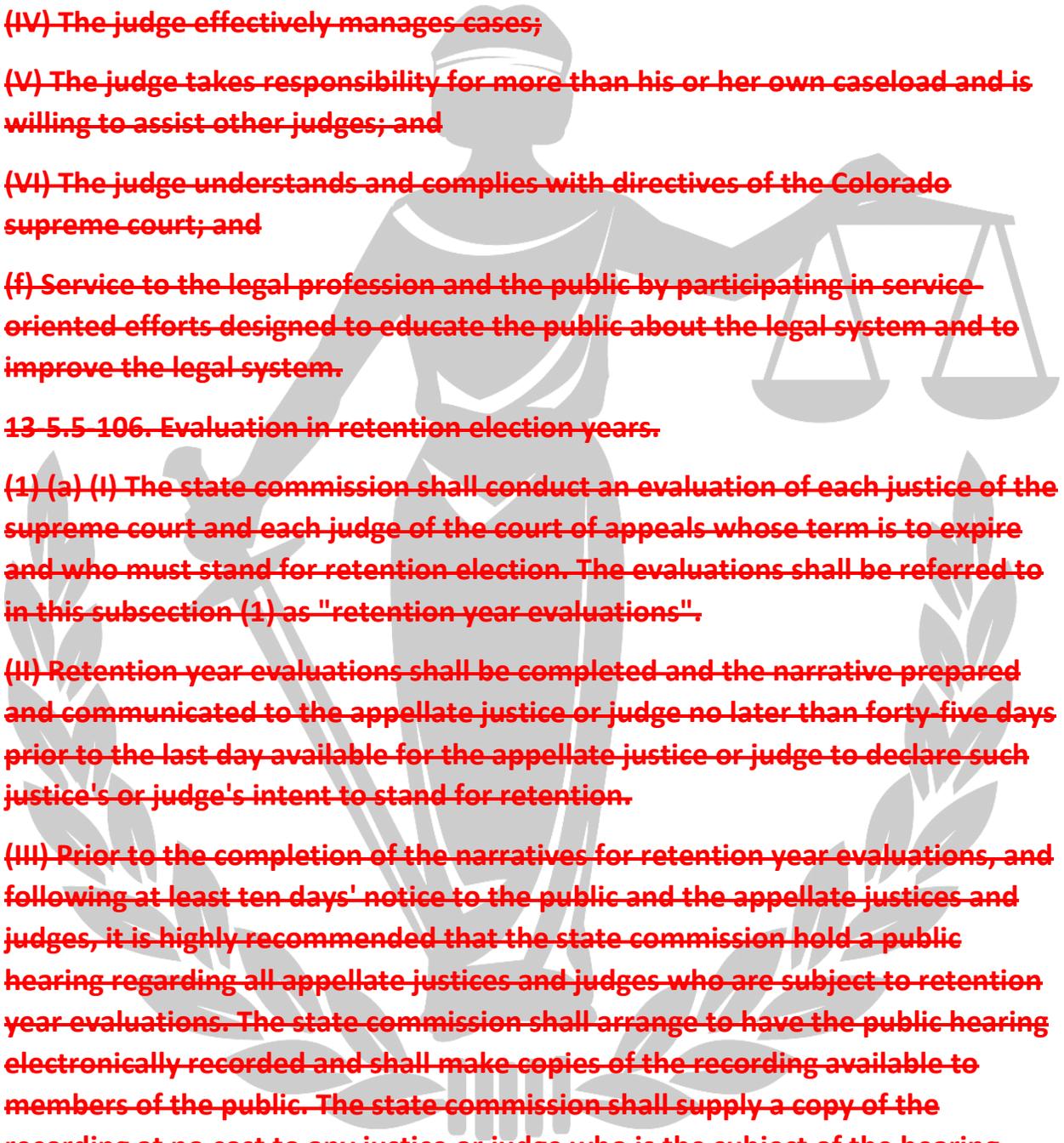
368 ~~(II) The judge maintains and requires order, punctuality, and decorum in the~~
369 ~~courtroom; and~~

370 ~~(III) The judge demonstrates appropriate demeanor on the bench;~~

371 ~~(e) Administrative performance, including but not limited to whether:~~

372 ~~(I) The judge demonstrates preparation for all hearings and trials;~~



- 373 ~~(II) The judge uses court time efficiently;~~
- 374 ~~(III) The judge issues findings of fact, conclusions of law, and orders without~~
375 ~~unnecessary delay;~~
- 376 ~~(IV) The judge effectively manages cases;~~
- 377 ~~(V) The judge takes responsibility for more than his or her own caseload and is~~
378 ~~willing to assist other judges; and~~
- 379 ~~(VI) The judge understands and complies with directives of the Colorado~~
380 ~~supreme court; and~~
- 381 ~~(f) Service to the legal profession and the public by participating in service-~~
382 ~~oriented efforts designed to educate the public about the legal system and to~~
383 ~~improve the legal system.~~
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384 ~~13-5.5-106. Evaluation in retention election years.~~

385 ~~(1) (a) (I) The state commission shall conduct an evaluation of each justice of the~~
386 ~~supreme court and each judge of the court of appeals whose term is to expire~~
387 ~~and who must stand for retention election. The evaluations shall be referred to~~
388 ~~in this subsection (1) as "retention year evaluations".~~

389 ~~(II) Retention year evaluations shall be completed and the narrative prepared~~
390 ~~and communicated to the appellate justice or judge no later than forty five days~~
391 ~~prior to the last day available for the appellate justice or judge to declare such~~
392 ~~justice's or judge's intent to stand for retention.~~

393 ~~(III) Prior to the completion of the narratives for retention year evaluations, and~~
394 ~~following at least ten days' notice to the public and the appellate justices and~~
395 ~~judges, it is highly recommended that the state commission hold a public~~
396 ~~hearing regarding all appellate justices and judges who are subject to retention~~
397 ~~year evaluations. The state commission shall arrange to have the public hearing~~
398 ~~electronically recorded and shall make copies of the recording available to~~
399 ~~members of the public. The state commission shall supply a copy of the~~
400 ~~recording at no cost to any justice or judge who is the subject of the hearing.~~

401 ~~(IV) The narrative prepared for a retention year evaluation shall include an~~
402 ~~assessment of the appellate justice's or judge's strengths and weaknesses with~~

403 ~~respect to the judicial performance criteria contained in section 13-5.5-105.5 (1),~~
404 ~~a discussion regarding any deficiency identified in the interim evaluation~~
405 ~~prepared pursuant to section 13-5.5-106.3, and a statement of whether the~~
406 ~~state commission concludes that any deficiency identified has been~~
407 ~~satisfactorily addressed by the justice or judge.~~

408 ~~(V) Each appellate justice or judge who receives a retention year evaluation~~
409 ~~shall have the opportunity to meet with the state commission or otherwise~~
410 ~~respond to the evaluation no later than ten days following the justice's or~~
411 ~~judge's receipt of the evaluation. If the meeting is held or response is made, the~~
412 ~~state commission may revise its evaluation.~~

413 ~~(b) After the requirements of paragraph (a) of this subsection (1) are met, the~~
414 ~~state commission shall make a recommendation regarding the retention of each~~
415 ~~appellate justice or judge who declares his or her intent to stand for retention,~~
416 ~~which recommendation shall be stated as "retain", "do not retain", or "no~~
417 ~~opinion". A "no opinion" recommendation shall be made only when the state~~
418 ~~commission concludes that results are not sufficiently clear to make a firm~~
419 ~~recommendation and shall be accompanied by a detailed explanation. The~~
420 ~~narrative shall include the number of commission members who voted for and~~
421 ~~against the recommendation.~~

422 ~~(c) The state commission shall release the narrative, the recommendation, and~~
423 ~~any other relevant information related to a retention year evaluation to the~~
424 ~~public no later than forty five days prior to the retention election. The state~~
425 ~~commission shall arrange to have the narrative and recommendation printed in~~
426 ~~the ballot information booklet prepared pursuant to section 1-40-124.5, C.R.S.,~~
427 ~~and mailed to electors pursuant to section 1-40-125, C.R.S.~~

428 ~~(2) (a) (I) The district commission shall conduct an evaluation of each district and~~
429 ~~county judge whose term is to expire and who must stand for retention~~
430 ~~election. The evaluations shall be referred to in this subsection (2) as "retention~~
431 ~~year evaluations".~~

432 ~~(II) Retention year evaluations shall be completed and the narrative~~
433 ~~communicated to each judge no later than forty five days prior to the last day~~
434 ~~available for the judge to declare the judge's intent to stand for retention.~~

435 ~~(III) Prior to the completion of narratives for retention year evaluations, and~~
436 ~~following at least ten days' notice to the public and the district and county~~
437 ~~judges, it is highly recommended that the district commission conduct a public~~
438 ~~hearing regarding all district and county judges who are subject to retention~~
439 ~~year evaluations. The district commission shall arrange to have the public~~
440 ~~hearing electronically recorded and shall make copies of the recording available~~
441 ~~to members of the public. The district commission shall supply a copy of the~~
442 ~~recording at no cost to any judge who is the subject of the hearing.~~

443 ~~(IV) The narrative prepared for a retention year evaluation shall include an~~
444 ~~assessment of the district or county judge's strengths and weaknesses with~~
445 ~~respect to the judicial performance criteria contained in section 13-5.5-105.5 (2),~~
446 ~~a discussion regarding any deficiency identified in the interim evaluation~~
447 ~~prepared pursuant to section 13-5.5-106.3, and a statement of whether the~~
448 ~~district commission concludes that any deficiency identified has been~~
449 ~~satisfactorily addressed by the judge.~~

450 ~~(V) Each judge who receives a retention year evaluation shall have the~~
451 ~~opportunity to meet with the district commission or otherwise respond to the~~
452 ~~evaluation no later than ten days following the judge's receipt of the evaluation.~~
453 ~~If the meeting is held or response is made, the district commission may revise its~~
454 ~~evaluation.~~

455 ~~(b) After the requirements of paragraph (a) of this subsection (2) are met, the~~
456 ~~district commission shall make a recommendation regarding the retention of~~
457 ~~each district or county judge who declares his or her intent to stand for~~
458 ~~retention, which recommendation shall be stated as "retain", "do not retain", or~~
459 ~~"no opinion". A "no opinion" recommendation shall be made only when the~~
460 ~~district commission concludes that results are not sufficiently clear to make a~~
461 ~~firm recommendation and shall be accompanied by a detailed explanation. The~~
462 ~~narrative shall include the number of commission members who voted for and~~
463 ~~against the recommendation.~~

464 ~~(c) The state commission shall release the narrative, the recommendation, and~~
465 ~~any other relevant information to the public no later than forty-five days prior~~
466 ~~to the retention election. The state commission shall arrange to have a~~
467 ~~summary of the narrative and recommendation printed in the ballot~~

468 ~~information booklet prepared pursuant to section 1-40-124.5, C.R.S., and mailed~~
469 ~~to electors within the judicial district pursuant to section 1-40-125, C.R.S.~~

470 ~~(3) Repealed.~~

471 ~~13-5.5-106.3. Interim evaluations.~~

472 ~~(1) (a) During each full term of office of each Colorado supreme court justice and~~
473 ~~each judge of the court of appeals, the state commission shall conduct at least~~
474 ~~one interim evaluation of each justice and each judge. The evaluations shall be~~
475 ~~referred to in this subsection (1) as "interim evaluations".~~

476 ~~(b) Interim evaluations shall be completed and communicated to the chief~~
477 ~~justice of the Colorado supreme court or the chief judge of the court of appeals~~
478 ~~and the appellate justice or judge being evaluated.~~

479 ~~(c) Each appellate justice or judge who receives an interim evaluation shall have~~
480 ~~the opportunity to meet with the state commission or otherwise respond to the~~
481 ~~evaluation no later than ten days following the justice's or judge's receipt of the~~
482 ~~evaluation. If the meeting is held or response is made, the state commission~~
483 ~~may revise its evaluation.~~

484 ~~(d) The state commission shall release the survey evaluations related to interim~~
485 ~~evaluations to the public simultaneously with, and no earlier than, the release~~
486 ~~of the retention year evaluations pursuant to section 13-5.5-106 (1) (c) prepared~~
487 ~~for that year.~~

488 ~~(2) (a) During each full term of office of each district judge and county judge, the~~
489 ~~district commission shall conduct at least one interim evaluation of each district~~
490 ~~judge and county judge.~~

491 ~~The evaluations shall be referred to in this subsection (2) as "interim~~
492 ~~evaluations".~~

493 ~~(b) Interim evaluations shall be completed and communicated to the chief judge~~
494 ~~of the district and to the district or county judge being evaluated.~~

495 ~~(c) Each district or county judge who receives an interim evaluation shall have~~
496 ~~the opportunity to meet with the district commission or otherwise respond to~~
497 ~~the evaluation no later than ten days following the judge's receipt of the~~

498 ~~evaluation. If the meeting is held or response is made, the district commission~~
499 ~~may revise its evaluation.~~

500 ~~(d) The state commission shall release the survey evaluations related to interim~~
501 ~~evaluations to the public simultaneously with, and no earlier than, the release~~
502 ~~of the retention year evaluations prepared for that year.~~

503 13-5.5-106.4. Recusal.

504 ~~(1) A member of the state commission or a district commission shall disclose to~~
505 ~~the commission any professional or personal relationship with a justice or judge~~
506 ~~that may affect an unbiased evaluation of the justice or judge, including~~
507 ~~involvement with any litigation involving the justice or judge and the member,~~
508 ~~the member's family, or the member's financial interests. The state commission~~
509 ~~or a district commission may require the recusal of one of its members on~~
510 ~~account of a relationship with a justice or judge upon a two-thirds vote of the~~
511 ~~other members of the commission.~~

512 ~~(2) A member of the state commission or a district commission shall recuse~~
513 ~~himself or herself from participating in the consideration and vote on any~~
514 ~~matter involving the evaluation of a justice or judge for failure to meet the~~
515 ~~training, courtroom observation, interview, or opinion review responsibilities~~
516 ~~provided by rule, unless excused by a two-thirds vote of the other members of~~
517 ~~the commission.~~

518 ~~(3) (1)~~ An attorney serving as a member of the state commission ~~or a district~~
519 ~~commission~~ shall not request that a justice or judge being evaluated by the
520 commission be recused from hearing a case in which the attorney appears as
521 counsel of record, or request permission to withdraw from a case pending before
522 a justice or judge being evaluated, solely on the basis that the attorney is serving
523 as a member of a commission.

524 ~~(4) (2)~~ An attorney who appears in a matter where opposing counsel or a witness
525 serves as a member of the state commission or a district commission that is
526 evaluating the justice or judge before whom the matter is set may not seek
527 withdrawal of the attorney, exclusion of the witness, or recusal of the justice or
528 judge solely on the basis that the opposing counsel or witness is serving as a
529 member of a commission.

530 ~~(5) (3)~~ A justice or judge being evaluated by the state ~~COMMISSION or a district~~
531 ~~commission~~ may not recuse himself or herself from a case solely on the basis that
532 an attorney, party, or witness is a member of the commission, nor should a justice
533 or judge grant an attorney's request to withdraw from a case, solely on the basis
534 that the attorney, party, or witness is serving as a member of a commission.

535 13-5.5-106.5. Confidentiality.

536 ~~(1) Except as provided in subsection (3) of this section, all comments in survey~~
537 ~~reports, selfevaluations, p~~ Personal information ~~protected under section 24-72-~~
538 ~~204 (3) (a) (II), C.R.S., additional oral or written information, content of~~
539 ~~improvement plans, and any matter discussed in executive session~~ shall remain
540 confidential except as otherwise specifically provided by rule.

541 ~~Comments in survey reports may be summarized for use in a narrative. A~~
542 ~~member of a commission shall not publicly discuss the evaluation of any~~
543 ~~particular justice or judge.~~

544 ~~(2) Except as provided in subsection (3) of this section, all recommendations,~~
545 ~~narratives, and survey reports are confidential until released to the public on~~
546 ~~the first day following the deadline for justices and judges to declare their intent~~
547 ~~to stand for retention. Any comments included in the report shall be made~~
548 ~~available only to members of the commissions, the justice or judge being~~
549 ~~evaluated, and the chief justice or chief judge.~~

550 ~~(3) Information required to be kept confidential pursuant to this article may be~~
551 ~~released only under the following circumstances:~~

552 ~~(a) To the supreme court attorney regulation committee, as provided by rule of~~
553 ~~the state commission;~~

554 ~~(b) To the commission on judicial discipline, as provided by rule of the state~~
555 ~~commission; or~~

556 ~~(c) With the consent of the justice or judge being evaluated.~~

557 13-5.5-107. Acceptance of private or federal grants - general appropriations.

558 The state commission is authorized to accept any grants of federal or private
559 funds made available for any purpose consistent with the provisions of this

560 article. Any funds received pursuant to this section shall be transmitted to the
561 state treasurer, who shall credit the same to the state commission on judicial
562 performance cash fund, which is hereby created and referred to in this section as
563 the "fund". The fund shall also include the amount of the increases in docket fees
564 collected pursuant to sections 13-32-105 (1) and 42-4-1710 (4) (a), C.R.S. Any
565 interest derived from the deposit and investment of moneys in the fund shall be
566 credited to the fund. **THE COMMISSION SHALL VOTE ON WHAT TO DO WITH A**
567 **a** any unexpended and unencumbered moneys remaining in the fund at the end of
568 any fiscal year. ~~shall remain in the fund and shall not be credited or transferred~~
569 ~~to the general fund or another fund.~~

570 Moneys in the fund may be expended by the state commission, subject to annual
571 appropriation by the general assembly, for the purposes of this article. In
572 addition, the general assembly may make annual appropriations from the general
573 fund for the purposes of this article.

574 **13-5.5-108 MANDATORY RULES**

575 **(1) THE FOLLOWING RULES ARE MANDATED BY THIS STATUTE AND SHALL**
576 **NOT BE AMENDED IN ANY MANNER BY THE COMMISSION OR SECRETARY**
577 **OF STATE.**

578 **(a) ANY JUDGE OR MAGISTRATE WHO RECEIVES A DO NOT RETAIN**
579 **MAJORITY VOTE BY RESPECTIVE COLORADO VOTERS SHALL NOT BE**
580 **ELIGIBLE TO SUBSEQUENT APPOINTMENTS AS A JUDGE OR MAGISTRATE**
581 **FOR A PERIOD OF 5 YEARS.**

582 **(b) EVERY SURVEY WILL CONSIST OF TWO SECTIONS: THE FIRST SECTION WILL**
583 **CONSIST OF 10 PERTINENT QUESTIONS FORMULATED BY VOTE OF THE**
584 **COMMISSION TO EFFECTIVELY SURVEY THE JUDGE WITH 5 MULTIPLE**
585 **RESPONSES EACH; 1. STRONGLY DISAGREE, 2. DISAGREE, 3. NEUTRAL,**
586 **4.AGREE, 5. STRONGLY AGREE. THE SECOND SECTION WILL CONSIST OF A**
587 **VOLUNTARY 100 WORD MAXIMUM COMMENT BY EACH SURVEYOR.**
588 **ADDITIONALLY, ANY COMMENTS SUBMITTED BY PARTIES THAT DO NOT**
589 **HAVE AN ACTUAL INTEREST ON A RESPECTIVE JUDGE SHALL BE LIMITED**
590 **TO 100 WORDS, EDITED FOR VULGARITY, AND THOSE COMMENTS SHALL**
591 **NOT BE SUBMITTED ANONYMOUSLY.**

592 (c) THE RESULT RESPONSES OF THE FIRST SECTION OF (b) above, INCLUDING
593 A BREAKDOWN OF THE RESULTS OF RESPECTIVE CATAGORIES OF
594 PERSONS PROVIDING THE SURVEY AS NOTED IN C.R.S. 13-5.5-103(d) AND
595 SHALL BE INCLUDED IN DETAIL ON THE SECRETARY OF STATE WEB SITE
596 AND IN SUMMARY FORM IN THE BLUE BOOK FOR EACH RESPECTIVE
597 COUNTY FOR THE RESPECTIVE JUDGES OF SAID COUNTY, AND ALL
598 APPELLATE COURT AND SUPREME COURT JUDGES AS FOLLOWS IN THE
599 FOLLOWING ORDER:

- 600 (I) SURVEY RESULT COMPILATION OF ALL CIVIL LITIGANTS.
601 (II) SURVEY RESULT COMPILATION OF ALL CIVIL LITIGANT ATTORNEYS.
602 (III) SURVEY RESULT COMPILATION OF ALL CRIMINAL LITIGANTS.
603 (IV) SURVEY RESULT COMPILATION OF PROSECUTING ATTORNEYS
604 (V) SURVEY RESULT COMPILATION OF DEFENSE ATTORNEYS
605 (VI) COMPILATION RESULTS FOR BLUE BOOK OF REMAINING
606 SURVEYORS SHALL BE ESTABLISHED BY RULE OF THE COMMISSION.
607 (VII) THE COMMENTS OF THE SECOND SECTION AND COMMENTS OF
608 INTERESTED PARTIES (LIMITED TO 100 WORDS) SHALL BE
609 PUBLISHED IN FULL ON THE INTERNET WITH A REFERAL CLAUSE
610 AND LINK TO THEIR LOCATION IN THE BLUE BOOK. SAID
611 COMMENTS WILL BE CLASSIFIED UNDER TYPE OF SURVEYOR AND
612 EDITED ONLY FOR PRIVACY OF PARTY PROVIDING COMMENT IF
613 REQUESTED, AND VULGARITY.
614 (VIII) EVERY JUDGE OR MAGISTRATE SHALL BE ENTITLED TO A 100 WORD
615 MAXIMUM STATEMENT AFTER REVIEW OF THE RESULTS OF THE
616 SURVEYS TO BE INCLUDED IN THE RESPECTIVE BLUE BOOK AND ON
617 THE INTERNET.
618 (IX) ALL DISTRICT COURT JUDGES , SENIOR DISTRICT COURT JUDGES
619 AND RESPECTIVE MAGISTRATES SHALL BE SURVEYED BY ALL
620 ELIGIBLE COUNTY SURVEYORS IN THEIR JUDICIAL DISTRICT. ALL
621 COUNTY JUDGES, SENIOR COUNTY COURT JUDGES AND RESPECTIVE
622 MAGISTRATES SHALL BE SURVEYED BY ALL ELIGIBLE RESPECTIVE
623 COUNTY SURVEYORS.
624 (X) SUPEME COURT JUDGES INCLUDING STANDING JUDGE FOR OFFICE
625 OF ATTORNEY REGULATION, MAGISTRATES, COURT OF APPEALS

626 JUDGES, AND SENIOR JUDGES SHALL BE SURVEYED BY ALL ELIGIBLE
627 SURVEYORS.

628 (XI) ANY JUDGE OR MAGISTRATE THAT DOES NOT PROMOTE AND
629 UPHOLD THE MANDATED SURVEY OF EVERY ELIGIBLE PARTY IN
630 HIS/HER COURT AS DETERMINED BY A MAJORITY OF THE
631 COMMISSION SHALL NOT BE RETAINED. THE COMMISSION SHALL
632 PROVIDE RULES THAT WILL ASSIST THE JUDICIAL BRANCH, JUDGES
633 AND MAGISTRATES PROMOTE 100% COMPLIANCE WITH THIS RULE.

634 (XII) THE COMMISSION SHALL CONSIDER RETENTION FOR THE NEXT 5
635 YEARS, RETIRED SUPREME COURT JUSTICE REBECCA KOURLIS OR
636 HER APPOINTEE TO ADVISE THE COMMITTEE WITH SUGGESSTIONS
637 ON MAKING THE COLORADO JUDICIAL PERFORMANCE
638 COMMISSION AS ACCOUNTABLE AND TRANSPARENT AS FEASIBLY
639 POSSIBLE TO ASSURE LITIGANTS CONFIDENCE IN THEIR JUDICIARY.

640 (XIII) THE SECRETARY OF STATE AND THE COMMISSION SHALL USE THE
641 INTERNET IF AT ALL POSSIBLE FOR CORRESPONCENCE, CONFERENCE
642 CALLS, MEETINGS, PUBLICATIONS, NOTICES, SURVEY COMPLETION
643 AND SUBMITTAL, COMMENTS, PUBLICATION OF RULES AND
644 PROPOSED RULES, COMPLETE SURVEY RESULTS, JUDGE NARATIVES,
645 VOTER RETENTION RESULTS FOR EACH JUDGE AND MAGISTRATE,
646 CONTACT AND ANY OTHER MATTERS, WHERE THE NET SHALL BE A
647 PRIORITY MEDIUM TO USE.

648 (XIV) ANY JUDGE OR MAGISTRATE WHO, AFTER THEIR PROBATIONARY
649 TWO YEAR TERM RECEIVES MORE THAN 50% OF RESPECTIVE
650 VOTERS "RETAIN" AND LESS THAN 75% VOTE TO "RETAIN" SHALL
651 SUBMIT TO AN ADDITIONAL MANDATORY TWO YEAR
652 PROBATIONARY TERM.

653 **CRS 13-5.5-109 IMPLEMENTATION**

654
655 (1) THE IMPLEMENTATION OF THIS STATUTE SHALL BE DETERMINED BY
656 THE SECRETARY OF STATE ON A BEST EFFORTS SCHEDULE BUT IN
657 NO CASE MORE THAN THE ONE YEAR ANNIVERSARY OF IT'S
658 PASSAGE.

659