

HCR 22-1005: 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 reassigned to the 23rd Judicial District under a process in state statute that does not include formal appointment by the Governor.

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 District judges and ensures court
6 services continue without interruption or uncertainty. Specifically, Amendment ? amends
7 the state constitution to require the Governor to reassign judges from the 18th Judicial
8 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 will include Douglas, Elbert, and Lincoln Counties.

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

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

What happens if Amendment ? passes?

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

34 **What happens if Amendment ? fails?**

35 If Amendment ? fails, the reassignment of judges from the 18th district will be governed
36 by the process laid out in the statute that initially created the 23rd district. This statute
37 requires any judges who were last elected or appointed to a term in the old 18th district
38 and who now live in the new 23rd district to complete their terms in the 23rd district.
39 Once that term is complete, the statute also allows them to run in retention elections to

1 serve additional terms in the 23rd district. Casework and court proceedings in the new
2 23rd Judicial District also may be reassigned as determined by the Judicial Department.

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>

3 **Argument For Amendment ?**

4 1) Amendment ? is a tailored and cost-effective approach that addresses the unique
5 need to seat judges in a new judicial district. It is unclear if current state law will
6 ensure the proper seating of judges in the new district, and the measure provides a
7 definitive legal mechanism for the transition, avoiding invalidation of rulings resulting
8 from allegations of improper seating of judges. Requiring the Governor to assign
9 judges to the new district in a timely and efficient way also avoids disruptions and
10 delays in casework and court proceedings.

11 **Argument Against Amendment ?**

12 1) Amendment ? needlessly amends the state constitution. There are other methods
13 for assigning judges to the new 23rd Judicial District. The law passed by the
14 Colorado legislature in 2020 already specifies that 18th Judicial District judges living
15 in the new district as of 2025 must complete their terms as judges for the new
16 district. Additionally, the constitution allows for judges to serve in other districts
17 under certain circumstances.

18 **Estimate of Fiscal Impact for Amendment ?**

19 Amendment ? will increase workload in the Governor's office to reassign judges to the
20 new 23rd Judicial District. The measure will not increase state government revenue or
21 spending.