

AMENDMENT NO. 3 -- JUDICIAL SYSTEM

Provisions:

1. Amendment No. 3 would change the method of selecting judges in Colorado. Under the amendment the governor would be given authority to appoint all judges (including supreme court justices, district court judges, and all other judges of courts of record except the Denver county court) from lists of nominees certified to him by judicial nominating commissions. After a provisional term of two years, any appointee wishing to remain in office would have to file a declaration of intent with the secretary of state. At the next general election the voters of the state, district, or county (as the case may be) would be given the opportunity to vote for or against his retention in office. An affirmative vote would continue the judge in office for the ensuing full term. A negative vote would create a vacancy in the office, to be filled by another gubernatorial appointment.

2. There would be one supreme court nominating commission for the state and one judicial district nominating commission for each judicial district (22 at the present time). The commissions would submit lists of nominees to the governor for use in making judicial appointments. The lawyer members of these commissions would be appointed by majority action of the governor, attorney general, and chief justice; other members would be appointed by the governor. No more than half the voting members plus one could belong to the same political party. Following the initial short appointments to establish a system of staggered terms, appointments to nominating commissions would be for six years. Members would not be eligible to succeed themselves. No person would be permitted to hold any elective, salaried public office or any elective political party office while serving as a member of a nominating commission. A supreme court nominating commission member would not be eligible for appointment to a vacancy on the supreme court during his term or for three years following. A judicial district nominating commission member would not be eligible for appointment to judicial office in that district during his term or for one year following.

3. The supreme court nominating commission would consist of nine voting members: one lawyer and one non-lawyer from each congressional district and one non-lawyer from the state at large. The chief justice of the supreme court would serve as ex officio chairman without a vote. The judicial district nominating commission would consist of seven voting members, at least one from each county in the district, with a justice of the supreme court serving as ex officio chairman without a vote. Four of the seven members of each judicial district nominating

commission would have having more than 35, to be lawyers, but i be up to the governo decide how many, if

4. Three names supreme court nomina pointment. Either t appropriate judicial appointment to a jud have to be submitted vacancy and the appo from the day the lis make the appointment the supreme court. the time of nominati

5. The amendme removal of judges. Th ordering the suspens other offense involv such judge if the ju upon recommendation qualifications, the remove any judge for ful or persistent fa perance. The amendm would be in addition for impeachment.

6. Under Amend retire at age 72. T authority, using sli retirement of a judg of a permanent chara of his duties. The the same as for remo cedures would have t pursuant to statute.

7. The commiss of nine members appo (three district and two lawyers who have by the governor, att non-lawyers, appoint empowered to initiat or retirement of ju the supreme court. hearings or ask the judges to serve as s

commission would have to be non-lawyers. In judicial districts having more than 35,000 population the other three would have to be lawyers, but in districts of lesser population it would be up to the governor, attorney general, and chief justice to decide how many, if any, of the remaining three must be lawyers.

4. Three names would be submitted to the governor by the supreme court nominating commission for each supreme court appointment. Either two or three names would be submitted by the appropriate judicial district nominating commission for each appointment to a judicial office in that district. Names would have to be submitted within 30 days after the occurrence of a vacancy and the appointment would have to be made within 15 days from the day the list is submitted. If the governor fails to make the appointment, the authority goes to the chief justice of the supreme court. Nominees would have to be under age 72 at the time of nomination.

5. The amendment would provide a new system for the removal of judges. The supreme court would be responsible for ordering the suspension of any judge convicted of a felony or other offense involving moral turpitude and for the removal of such judge if the judgment of conviction becomes final. Also, upon recommendation of a newly created commission on judicial qualifications, the supreme court would have the authority to remove any judge for (1) willful misconduct in office; (2) willful or persistent failure to perform his duties; or (3) intemperance. The amendment provides that these removal procedures would be in addition to the present constitutional provisions for impeachment.

6. Under Amendment No. 3 all judges would be required to retire at age 72. The supreme court would continue to have the authority, using slightly different procedures, to order the retirement of a judge when it is found that he has a disability of a permanent character which interferes with the performance of his duties. The new procedure for retirement cases would be the same as for removal cases. Judges retired under these procedures would have the same rights and privileges as if retired pursuant to statute.

7. The commission on judicial qualifications would consist of nine members appointed for four-year terms: five judges (three district and two county) selected by the supreme court; two lawyers who have practiced for at least ten years, selected by the governor, attorney general and chief justice; and two non-lawyers, appointed by the governor. The commission would be empowered to initiate investigations of causes for the removal or retirement of judges, under rules of procedure prescribed by the supreme court. The commission could either hold its own hearings or ask the supreme court to appoint three justices or judges to serve as special masters to hear and take evidence and