



**Colorado  
Legislative  
Council  
Staff**

**Amendment W**

**FISCAL IMPACT  
STATEMENT**

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**Date:** August 20, 2018

**Fiscal Analyst:** Chris Creighton (303-866-5834)

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**BALLOT TITLE:** ELECTION BALLOT FORMAT FOR JUDICIAL RETENTION ELECTIONS

**Summary of Measure**

Under current law, a separate judicial retention question must be listed for each justice or judge on the ballot. Amendment W amends the Colorado Constitution to allow for judicial retention questions to be grouped together on the ballot according to court type.

**Background**

In 1966, Colorado voters approved a constitutional amendment that repealed the partisan election of justices and judges and enacted the current appointment and retention process. This process requires justices and judges to be nominated by a judicial nominating commission and then appointed by the Governor. Thereafter, justices and judges must go before voters in a retention election, held in even-numbered years, to maintain their seat on the bench. In these elections, voters are asked on the ballot if each justice or judge seeking retention should be retained. A justice or judge seeking retention is not challenged; therefore, a "yes" vote allows him or her to retain the position, and a "no" vote ends his or her term as a justice or judge and vacates the position. In Colorado, justices serve on the Supreme Court and judges serve in all other courts.

**Local Government Impact**

Amendment W decreases county clerk workload by a minimal amount and may reduce ballot printing and mailing costs. These impacts will vary by county and by election because ballot length depends on multiple factors, including the number of justices and judges seeking retention, the number of other offices up for election, the number of initiatives or referenda appearing on the ballot, and municipal or special district election content in coordinated elections.

By allowing justices and judges to be grouped on the ballot according to court type and eliminating the judicial retention question for each justice and judge seeking retention, Amendment W creates minimal workload efficiencies by decreasing the amount of time that county clerks will spend preparing and proofing their ballot designs. Additionally, to the extent that Amendment W reduces the length of future ballots, the amount of time spent processing voted ballots and preparing them to be counted will also decrease.

Amendment W potentially decreases county clerk costs by reducing the length of some ballots. Ballot printing and mailing costs will decrease to the extent that Amendment W allows county clerks to keep future ballots from being more than one page. Potential savings are expected to be up to \$100,000 for large counties and counties that are required to print ballots in both English and Spanish (Conejos, Costilla, Denver, and Saguache). For small counties, potential savings are minimal and estimated to be less than \$10,000.

## Effective Date

If approved by voters, Amendment W takes effect upon proclamation of the Governor, no later than 30 days after the official canvass of the vote is completed

## State and Local Government Contacts

Counties  
Legislative Council

County Clerks  
Secretary of State

Judicial