



2023 Legislative Issue Form

To propose a CCI legislative issue, please complete this form.

Feel free to use more than one page and include any supplemental materials.

1.) **Contact Information** (of person bringing forth issue):

- a. **Name:** Debbie Bell
- b. **Title:** Commissioner
- c. **County:** Fremont
- d. **Phone Number:** (719) 276-7302 (719) 371-0280
- e. **E-Mail Address:** debbie.bell@fremontco.com

2.) **Issue/Problem to be addressed** (What is the problem this legislation is seeking to solve?)

Current statute is silent on a process on how and when the Office of the District Attorney is declared vacant. Other than a recall, there is no clear-cut means to remove a seated District Attorney from office, even if that attorney loses their license to practice law and can no longer perform the duties of the office.

3.) **Background on this Issue/Problem** (How did this come to be? Why are you seeking a legislative remedy?)

The current 11th District Attorney already has had her licenses suspended for lack of continuing education credits. The state appointed an Acting DA until her license was reinstated. During that time, her pay also continued, which is an egregious misuse of public funds. That issue led to a larger conversation of how and when the office is declared vacant if a sitting District Attorney loses their license to practice law and can no longer perform their duties. Statute appears to be silent.

4.) **Proposed Solution/Legislative Remedy to this issue.**

1. Definition of what constitutes a vacancy. The simplest definition would be to include at least those items that made one qualified to begin with to run for DA; i.e., if no longer licensed then the office is vacant, etc. This can be structured similar to current statute in regard to many other offices and how those are determined.
2. Define who actually declares the vacancy. Would this be a majority, maybe a super-majority of the sitting county commissioners in the JD? Or perhaps the Colorado Supreme Court? The majority of boards of commissioners in the counties in that particular JD seem to make the most sense. The vacancy should NOT be declared by the executive branch (i.e., the Governor) since that branch then would appoint to fill the vacancy.
3. Under §30-10-105, C.R.S., events that result in a vacancy in a county elected office are clearly established.

§13-6-206, C.R.S., addresses vacancies in a county court judgeship.

§1-12-203, C.R.S., addresses vacancies for members of the general assembly.

§22-31-129, C.R.S., addresses vacancies for school board members.

There are numerous other similar statutes for special district directors, municipal councils, and other appointed and elected officials.

The Colorado Constitution addresses vacancies for state elected officers under Article XIV.

5.) **Have you explored a non-legislative solution to this problem?**

Yes. There appear to be none.



- 6.) **Statutory Citation to be modified AND proposed/revised language (The Colorado Revised Statute is available for free at [this link](#), by selecting “Colorado Revised Statutes”).**

Title 20, C.R.S. It would be a new provision under Article 1, general provisions.

- 7.) **Relationship of this issue to County Commissioner’s roles and/or authorities.**

In Colorado, County Commissioners are responsible to provide the District Attorney budget. In that role, we must be good stewards of taxpayer funds. Continuing to pay salary to an elected official who is no longer qualified to serve in that capacity is not good stewardship and, in fact, seems fraudulent. It is important to clarify the events that cause a vacancy for any elected official. The District Attorney should be no exception.

- 8.) **Has this proposal been approved by the Board of County Commissioners?**

Yes.

- 9.) **List any potential Proponents/Opponents & their perspective; indicate any groups/individuals with whom you have already discussed this issue.**

Unknown at this time.

- 10.) **Have you visited with your legislator(s) about this proposal? What was their reaction? Are members of your delegation likely to sponsor, support, or oppose this proposal?**

Working to contact Rep. Stephanie Luck; current Sen. Dennis Hisey and likely new Sen. Mark Baisley.

- 11.) **Anticipated Fiscal Impact (to counties, state, other stakeholders, etc.).**

DA salary being spent on unqualified personnel who may be banned from the office but are still receiving a salary.

- 12.) **Please list the local subject matter experts CCI staff can follow-up with for more information on this proposal.**

Attorney General’s Office
Governor’s Office
Colorado District Attorneys’ Council

- 13.) **If your county is submitting multiple issue forms, please rank each issue.**