

MINUTES OF OCTOBER 7, 2003

The Clerk and Recorder of the County of Jefferson, State of Colorado, met in special session on October 7, 2003 in the Jefferson County Government Center, Golden, Colorado. Faye Griffin, Clerk and Recorder called the meeting to order.

STAFF PRESENT:

Jean Ayars, Assistant County Attorney
Susan Miller, Director of Elections
Teri Schmaedecke, Deputy Clerk

REGULAR AGENDA

PROTEST HEARING FOR THE ELK CREEK FIRE PROTECTION DISTRICT RECALL PETITION

Sworn Testimony: Dino Ross, Attorney for Doug Ireland and Jeff Klingman
Rick Daily, Attorney for Charles (Chuck) Madison
Robert Blackwell
Russell Shea
Richard Toussaint, Attorney for Elk Creek Fire Protection District
(Mr. Toussaint's testimony was by affidavit)
Douglas Ireland
David Solin
Jeff Klingman
Mary Brees

The Jefferson County Clerk and Recorder, Faye Griffin found that C.R.S 1-12-108(9) states that the protest must set forth the specific grounds for the protest. The grounds may include (a) failure of a petition to meet the requirements of the statute or (b) conduct of the circulators that substantially misleads the person signing the petition.

Mr. Madison did not contend that the petition failed to meet the statutory requirements nor did he present any evidence that the conduct of the circulators was improper. The sole basis of Mr. Madison's protest was that the grounds set forth in the petition were not true and were misleading. The grounds however are not subject to the Clerk and Recorder's review. Colorado Revised Statute 1-12-103 states that the grounds for recall is for the information of the Electors who shall be the sole and exclusive judges of the legality reasonableness and sufficiency of the grounds for the recall.

Following the taking of sworn testimony and a general discussion Faye Griffin, Clerk and Recorder determined the petition was sufficient and the protest therefore was **denied**.

Faye Griffin stated according to C.R.S 1-12-112 states that on the ballot, the officer sought to be recalled may submit a statement of justification of the officers course in conduct in 300 words or less to the designated Election Official. The officer shall submit any such statement no later than 10 working days after the day of issuance of the certification of sufficiency by the designated Election Official. The official ballot shall contain such statement of justification if submitted pursuant to this section.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned.

Attest:

Clerk and Recorder of
the County of Jefferson, Colorado

Teri Schmaedecke, Deputy Clerk

Faye Griffin, Clerk and Recorder