

KIT CARSON COUNTY CLERK AND RECORDER

Susan Corliss, County Clerk
1650 Donelan Ave. Suite 203 P.O. Box 249
Burlington, CO 80807-0249
Phone 719-346-8638 Ext. 301
Fax 719-346-8721

<https://www.colorado.gov/kitcarsoncounty>



Recall Petition Notification of Appearance of Sufficiency

RE: Petition for the recall of Seth Ebright from his position as School Board Member of Bethune School District R-5 Board of Education.

On August 11, 2023, a petition for the recall of Seth Ebright from his position as School Board Member of Bethune School District R-5 Board of Education was filed in the Office of the Kit Carson County Clerk by Cheryl Dobler. On August 14, 2023, it was determined that the petition appears to contain the required number of eligible elector's signatures necessary to hold a recall election for Seth Ebright.

The results of the review of the petition are as follows:

- Total number of sections submitted: (5).
- Total number of signatures required by statute: (33).
- Total number of signatures submitted for review: (52).
- Total number of statutorily acceptable signatures: (45).
- Total number of invalid signatures: (7).
- Total number of signatures withdrawn: (0).

C.R.S. § 1-12-108(9)(a) states the following:

(I) A recall petition that has been verified by the designated election official is sufficient unless a protest in writing under oath is filed in the office of the designated election official by an eligible elector within fifteen days after the designated election official has determined the sufficiency of the petition under subsection (8)(c) of this section.

(II) The protest must set forth specific grounds for the protest. Grounds include failure of any portion of a petition or circulator affidavit to meet the requirements of this article 12 or any conduct on the part of petition circulators that substantially misleads persons signing the petition. The designated election official shall mail and e-mail a copy of the protest to the committee, together with a notice fixing a time for hearing the protest not less than five nor more than ten days after the notice is mailed and e-mailed.

(III) Every hearing shall be heard before the designated election official with whom the protest is filed or a designee of the designated election official appointed as the hearing officer. The testimony in every hearing must be under oath. The hearing must be summary and not subject to delay and must be concluded within thirty days after the protest is filed with the designated election official, and the result shall be certified to the committee.

(b) The party filing a protest has the burden of sustaining the protest by a preponderance of the evidence. The decision upon matters of substance is open to review, if application is made within five days, in the manner provided in section 1-1-113, to the district court in the county in which the petition was filed. The remedy in all cases must be summary, and the decision of any court having jurisdiction is final and not subject to review by any other court; except that the supreme court, in the exercise of its discretion, may review any judicial proceeding as provided in section 1-1-113.

If you have any questions, please feel free to contact Kit Carson County Elections Office at 719-346-8638.

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