

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0293.02 Jason Gelender x4330

SENATE BILL 22-016

SENATE SPONSORSHIP

Scott,

HOUSE SPONSORSHIP

(None),

Senate Committees
Transportation & Energy

House Committees

A BILL FOR AN ACT

101 CONCERNING THE GOVERNANCE OF THE DEPARTMENT OF
102 TRANSPORTATION, AND, IN CONNECTION THEREWITH,
103 MODIFYING THE NUMBER OF MEMBERS OF AND MANNER IN
104 WHICH MEMBERS ARE SELECTED FOR THE TRANSPORTATION
105 COMMISSION AND REQUIRING THE TRANSPORTATION
106 COMMISSION TO SELECT THE EXECUTIVE DIRECTOR OF THE
107 DEPARTMENT OF TRANSPORTATION.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

The membership of the transportation commission (commission) currently consists of 11 members appointed by the governor with the consent of the senate from statutorily designated districts. If the bill is approved by the voters of the state at the November 2022 general election, on February 1, 2025, **section 2** of the bill will replace the current membership of the commission with 9 members elected at the November 2024 general election, one from each congressional district of the state and one from the state at large. Thereafter, whenever the number of congressional districts in the state is odd, the membership of the commission consists of one member elected from each congressional district of the state, and whenever the number of congressional districts in the state is even, the membership of the commission consists of one member elected from each congressional district of the state and one member elected from the state at large. Commission members' terms are 4 years; except that:

- The initial terms of the members elected at the 2024 general election from the first, third, fifth, and seventh congressional districts and the initial term of the member elected from the state at large are 2 years; and
- Whenever congressional redistricting changes the number of congressional districts from even to odd, the term of the member of the commission elected from the state at large who is serving on the effective date of the redistricting ends upon the commencement of the terms of the members of the commission elected at the first general election held after the redistricting occurs.

The governor is required to fill any vacancy that may occur in the commission. An individual appointed to fill a vacancy remains a member of the commission until the next general election and until the individual's successor is elected and duly qualified. On and after February 1, 2025, each member of the commission elected from a congressional district must actually reside in the congressional district that the member represents and any member elected from the state at large must actually reside in the state. If a member elected from a congressional district ceases to reside in the district or a member elected from the state at large ceases to live in the state, the members shall be deemed to have resigned as a member of the commission.

On and after February 1, 2025, **section 1** requires the commission to select the executive director of the department of transportation and specifies that the executive director serves at the pleasure of the commission; except that the executive director appointed by the governor with the consent of the senate who is serving as of February 1, 2025, remains the executive director until the commission appoints a successor, which the commission is required to do no later than July 1, 2025.

Sections 3 through 10 make conforming amendments to the "Uniform Election Code of 1992" to ensure that candidates for the commission and members of the commission are treated similarly to candidates for and members of the state board of education and the regents of the university of Colorado with respect to membership on party committees, nomination as candidates, resolution of tie vote situations, election contests, and campaign finance disclosure requirements.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 43-1-103, **amend** (1)
3 as follows:

4 **43-1-103. Department created - executive director.** (1) There
5 is hereby created the department of transportation, the head of which ~~shall~~
6 ~~be~~ IS the executive director of the department of transportation, which
7 office is hereby created. UNTIL FEBRUARY 1, 2025, the executive director
8 shall be appointed by the governor with the consent of the senate and
9 shall serve at the pleasure of the governor. ON AND AFTER FEBRUARY 1,
10 2025, THE EXECUTIVE DIRECTOR SHALL BE APPOINTED BY THE
11 COMMISSION AND SHALL SERVE AT THE PLEASURE OF THE COMMISSION;
12 EXCEPT THAT THE EXECUTIVE DIRECTOR WHO IS SERVING AS OF FEBRUARY
13 1, 2025, SHALL REMAIN THE EXECUTIVE DIRECTOR UNTIL THE COMMISSION
14 APPOINTS A SUCCESSOR, WHICH THE COMMISSION SHALL DO NO LATER
15 THAN JULY 1, 2025.

16 **SECTION 2.** In Colorado Revised Statutes, 43-1-106, **amend** (1),
17 (3), (4)(a), (4)(c), and (7); and **add** (2.3) and (2.5) as follows:

18 **43-1-106. Transportation commission - powers and duties -**
19 **repeal.** (1) There is hereby created a transportation commission. ~~which~~
20 BEFORE FEBRUARY 1, 2025, THE COMMISSION shall consist of eleven
21 members ~~The initial members of the commission shall be the members of~~
22 ~~the state highway commission immediately prior to July 1, 1991, and each~~

1 ~~such commission member shall continue to represent the same district.~~
2 APPOINTED AS SET FORTH IN SUBSECTION (2) OF THIS SECTION. ON AND
3 AFTER FEBRUARY 1, 2025, THE COMMISSION CONSISTS OF MEMBERS
4 ELECTED AS SET FORTH IN SUBSECTION (2.5) OF THIS SECTION.

5 (2.3) SUBSECTION (2) OF THIS SECTION AND THIS SUBSECTION (2.3)
6 ARE REPEALED, EFFECTIVE FEBRUARY 1, 2025.

7 (2.5) (a) BEGINNING FEBRUARY 1, 2025, THE COMMISSION
8 CONSISTS OF NINE MEMBERS, INITIALLY ELECTED AT THE NOVEMBER 2024
9 GENERAL ELECTION AND ELECTED AT SUBSEQUENT GENERAL ELECTIONS
10 AS SPECIFIED IN SUBSECTION (2.5)(c) OF THIS SECTION, AS FOLLOWS:

11 (I) ONE MEMBER FROM EACH CONGRESSIONAL DISTRICT OF THE
12 STATE, WHO MUST BE A RESIDENT OF THE CONGRESSIONAL DISTRICT AND
13 MUST BE ELECTED BY THE QUALIFIED ELECTORS OF THE CONGRESSIONAL
14 DISTRICT; AND

15 (II) ONE MEMBER FROM THE STATE AT LARGE, WHO MUST BE A
16 RESIDENT OF THE STATE AND ELECTED BY THE QUALIFIED ELECTORS OF
17 THE STATE.

18 (b) IF, AT ANY TIME AFTER CONGRESSIONAL REDISTRICTING
19 OCCURS, THE NUMBER OF CONGRESSIONAL DISTRICTS IN THE STATE
20 CHANGES, THE COMMISSION CONSISTS OF MEMBERS ELECTED AS FOLLOWS:

21 (I) WHEN THE NUMBER OF CONGRESSIONAL DISTRICTS IN THE
22 STATE IS ODD, THE COMMISSION CONSISTS OF ONE MEMBER FROM EACH
23 CONGRESSIONAL DISTRICT OF THE STATE, WHO MUST BE A RESIDENT OF
24 THE CONGRESSIONAL DISTRICT AND MUST BE ELECTED BY THE QUALIFIED
25 ELECTORS OF THE CONGRESSIONAL DISTRICT; AND

26 (II) WHEN THE NUMBER OF CONGRESSIONAL DISTRICTS IN THE
27 STATE IS EVEN, THE COMMISSION CONSISTS OF:

1 (A) ONE MEMBER FROM EACH CONGRESSIONAL DISTRICT OF THE
2 STATE, WHO MUST BE A RESIDENT OF THE CONGRESSIONAL DISTRICT AND
3 MUST BE ELECTED BY THE QUALIFIED ELECTORS OF THE CONGRESSIONAL
4 DISTRICT; AND

5 (B) ONE MEMBER FROM THE STATE AT LARGE, WHO MUST BE A
6 RESIDENT OF THE STATE AND ELECTED BY THE QUALIFIED ELECTORS OF
7 THE STATE.

8 (c) THE TERMS OF MEMBERS OF THE COMMISSION ARE FOUR YEARS;
9 EXCEPT THAT:

10 (I) THE INITIAL TERMS OF THE MEMBERS ELECTED FROM THE FIRST,
11 THIRD, FIFTH, AND SEVENTH CONGRESSIONAL DISTRICTS AND THE INITIAL
12 TERM OF THE MEMBER ELECTED FROM THE STATE AT LARGE ARE TWO
13 YEARS; AND

14 (II) WHENEVER CONGRESSIONAL REDISTRICTING CHANGES THE
15 NUMBER OF CONGRESSIONAL DISTRICTS FROM EVEN TO ODD, THE TERM OF
16 THE MEMBER OF THE COMMISSION ELECTED FROM THE STATE AT LARGE
17 WHO IS SERVING ON THE EFFECTIVE DATE OF THE REDISTRICTING ENDS
18 UPON THE COMMENCEMENT OF THE TERMS OF THE MEMBERS OF THE
19 COMMISSION ELECTED AT THE FIRST GENERAL ELECTION HELD AFTER THE
20 REDISTRICTING OCCURS.

21 (d) THE MEMBER OF THE COMMISSION FROM EACH CONGRESSIONAL
22 DISTRICT OF THE STATE SHALL BE NOMINATED AND ELECTED BY THE
23 REGISTERED ELECTORS OF SUCH DISTRICT IN THE SAME MANNER AS
24 MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE
25 UNITED STATES ARE NOMINATED AND ELECTED. IF THE TOTAL NUMBER OF
26 CONGRESSIONAL DISTRICTS OF THE STATE IS AN EVEN NUMBER, THE
27 ADDITIONAL MEMBER OF THE BOARD SHALL BE NOMINATED AND ELECTED

1 AT LARGE IN THE SAME MANNER AS STATE OFFICERS ARE NOMINATED AND
2 ELECTED.

3 (e) THE GOVERNOR SHALL FILL ANY VACANCY THAT MAY OCCUR
4 IN THE COMMISSION. AN INDIVIDUAL APPOINTED TO FILL A VACANCY
5 REMAINS A MEMBER OF THE COMMISSION UNTIL THE NEXT GENERAL
6 ELECTION AND UNTIL THE INDIVIDUAL'S SUCCESSOR IS ELECTED AND DULY
7 QUALIFIED ACCORDING TO LAW.

8 (3) (a) (I) BEFORE FEBRUARY 1, 2025, each ~~district~~ member shall
9 actually reside in the district ~~he or she~~ THAT THE MEMBER represents. If
10 a ~~district~~ member ceases to reside in the district ~~he or she~~ THAT THE
11 MEMBER represents, ~~such district~~ THE member ~~shall be~~ IS deemed to have
12 resigned as a member of the commission.

13 (II) THIS SUBSECTION (3)(a) IS REPEALED, EFFECTIVE FEBRUARY
14 1, 2025.

15 (b) ON AND AFTER FEBRUARY 1, 2025, EACH MEMBER OF THE
16 COMMISSION ELECTED FROM A CONGRESSIONAL DISTRICT MUST ACTUALLY
17 RESIDE IN THE CONGRESSIONAL DISTRICT THAT THE MEMBER REPRESENTS
18 AND ANY MEMBER ELECTED FROM THE STATE AT LARGE MUST ACTUALLY
19 RESIDE IN THE STATE. IF A MEMBER ELECTED FROM A CONGRESSIONAL
20 DISTRICT CEASES TO RESIDE IN THE DISTRICT OR A MEMBER ELECTED FROM
21 THE STATE AT LARGE CEASES TO LIVE IN THE STATE, THE MEMBER IS
22 DEEMED TO HAVE RESIGNED AS A MEMBER OF THE COMMISSION.

23 (4) (a) (I) Each member of the commission shall be appointed by
24 the governor, with the consent of the senate, for a term of four years.

25 (II) THIS SUBSECTION (4)(a) IS REPEALED, EFFECTIVE FEBRUARY
26 1, 2025.

27 (c) (I) (A) As the terms of the members of the commission expire,

1 the governor shall consider the appointment to the commission of one or
2 more individuals with knowledge or experience in mass transportation in
3 order to provide for a commission with expertise in different modes of
4 transportation and shall consider the appointment to the commission of
5 at least one individual with knowledge or experience in engineering. In
6 making appointments to the commission, the governor is encouraged to
7 include representation by at least one member who is a person with a
8 disability, as defined in section 24-34-301 (2.5), a family member of a
9 person with a disability, or a member of an advocacy group for persons
10 with disabilities, provided that the other requirements of this subsection
11 ~~(4)(c)~~ SECTION are met.

12 (B) THIS SUBSECTION ~~(4)(c)(I)~~ IS REPEALED, EFFECTIVE FEBRUARY
13 1, 2025.

14 (II) WHEN MAKING AN APPOINTMENT TO FILL ANY VACANCY IN
15 THE BOARD OCCURRING ON OR AFTER FEBRUARY 1, 2025, THE GOVERNOR
16 SHALL CONSIDER THE APPOINTMENT OF INDIVIDUALS WITH KNOWLEDGE OR
17 EXPERIENCE IN MASS TRANSPORTATION IN ORDER TO PROVIDE FOR A
18 COMMISSION WITH EXPERTISE IN DIFFERENT MODES OF TRANSPORTATION,
19 INDIVIDUALS WITH KNOWLEDGE OR EXPERIENCE IN ENGINEERING, AND
20 INDIVIDUALS WHO ARE PERSONS WITH A DISABILITY, AS DEFINED IN
21 SECTION 24-34-301 (2.5), A FAMILY MEMBER OF A PERSON WITH A
22 DISABILITY, OR MEMBERS OF AN ADVOCACY GROUP FOR PERSONS WITH
23 DISABILITIES.

24 (7) The members of the commission ~~thus designated or appointed~~
25 ~~and their successors~~ shall constitute a body corporate to be known by the
26 ~~name and style of~~ AS the "transportation commission of Colorado", shall
27 have the power to adopt and use a common seal and to change and alter

1 ~~such~~ THE seal, ~~at will~~ and shall have and exercise all powers necessarily
2 incident to a body corporate or as provided by law.

3 **SECTION 3.** In Colorado Revised Statutes, 1-3-103, **amend**
4 (2)(a) and (3)(a) as follows:

5 **1-3-103. Party committees.** (2) (a) The state central committee
6 ~~shall consist~~ CONSISTS of the chairpersons and vice-chairpersons of the
7 several party county central committees, together with the elected United
8 States senators, representatives in congress, governor, lieutenant
9 governor, secretary of state, state treasurer, attorney general, members of
10 the board of regents, members of the state board of education, MEMBERS
11 OF THE TRANSPORTATION COMMISSION WHOSE TERMS BEGIN ON OR AFTER
12 FEBRUARY 1, 2025, state senators, and state representatives, and any
13 additional members as provided for by the state central committee bylaws.
14 Two additional members shall be allowed the political party from each
15 county that polled at least ten thousand votes at the last preceding general
16 election for its candidate for governor or president of the United States.
17 Two additional members shall be allowed for each additional ten
18 thousand votes or major portion thereof so polled in the county. The
19 additional members shall be elected by the county central committee of
20 the political party.

21 (3) (a) The chairpersons and vice-chairpersons of the several party
22 county central committees entirely or partially, who reside within each
23 congressional district, together with the elected congressperson, the
24 elected state board of education member of the party for the congressional
25 district, the elected board of regents member of the party for the
26 congressional district, THE ELECTED TRANSPORTATION COMMISSION
27 MEMBER OF THE PARTY FOR THE CONGRESSIONAL DISTRICT, and the state

1 senators and representatives of the party who reside within the
2 congressional district, shall constitute the party congressional central
3 committee.

4 **SECTION 4.** In Colorado Revised Statutes, **amend** 1-4-204 as
5 follows:

6 **1-4-204. State and district officers.** At the general election in
7 1982 and every fourth year thereafter, the following state officers shall be
8 elected: One governor, one lieutenant governor, one secretary of state,
9 one state treasurer, and one attorney general. The lieutenant governor
10 shall be elected jointly with the governor. At every general election, the
11 number of members of the state house of representatives to which each
12 representative district is entitled shall be elected in that district.
13 Candidates for the offices of regents of the university of Colorado, state
14 senators, members of the state board of education, MEMBERS OF THE
15 TRANSPORTATION COMMISSION ELECTED FOR TERMS COMMENCING ON OR
16 AFTER FEBRUARY 1, 2025, and district attorneys shall be voted on at the
17 general election immediately prior to the expiration of the regular terms
18 for those offices.

19 **SECTION 5.** In Colorado Revised Statutes, 1-4-502, **amend** (1)
20 as follows:

21 **1-4-502. Methods of nomination for partisan candidates.**
22 (1) Except as otherwise provided in ~~paragraphs (b) and (c) of subsection~~
23 ~~(3)~~ SUBSECTIONS (3)(b) AND (3)(c) of this section, nominations for United
24 States senator, representative in congress, governor, lieutenant governor,
25 secretary of state, state treasurer, attorney general, member of the state
26 board of education, regent of the university of Colorado, MEMBER OF THE
27 TRANSPORTATION COMMISSION FOR ANY TERM COMMENCING ON OR AFTER

1 FEBRUARY 1, 2025, member of the general assembly, district attorney, and
2 all county officers to be elected at the general election may be made by
3 primary election under section 1-4-101 or by assembly or convention
4 under section 1-4-702 by major political parties, by petition for
5 nomination as provided in section 1-4-802, or by a minor political party
6 as provided in section 1-4-1304.

7 **SECTION 6.** In Colorado Revised Statutes, 1-4-801, **amend**
8 (2)(a.5) and (2)(c.7) as follows:

9 **1-4-801. Designation of party candidates by petition.** (2) The
10 signature requirements for the petition are as follows:

11 (a.5) Every petition in the case of a candidate for a member of the
12 United States house of representatives, member of the state board of
13 education for a congressional district, ~~or~~ member of the board of regents
14 of the university of Colorado for a congressional district, OR, FOR ANY
15 TERM COMMENCING ON OR AFTER FEBRUARY 1, 2025, MEMBER OF THE
16 TRANSPORTATION COMMISSION FOR A CONGRESSIONAL DISTRICT must be
17 signed by eligible electors resident within the district for which the officer
18 is to be elected. The petition requires the lesser of one thousand five
19 hundred signers or signers equal in number to ten percent of the votes cast
20 in the district at the contested or uncontested primary election for the
21 political party's candidate for the office for which the petition is being
22 circulated or, if there was no primary election, at the last preceding
23 general election for which there was a candidate for the office.

24 (c.7) Every petition in the case of a candidate for the office of an
25 at-large seat on ~~either~~ the state board of education, ~~or~~ the board of regents
26 of the university of Colorado, OR, FOR ANY TERM COMMENCING ON OR
27 AFTER FEBRUARY 1, 2025, THE TRANSPORTATION COMMISSION must be

1 signed by at least five hundred eligible electors in each congressional
2 district.

3 **SECTION 7.** In Colorado Revised Statutes, 1-4-802, **amend**
4 (1)(c)(II)(B) and (1)(c)(III) as follows:

5 **1-4-802. Petitions for nominating minor political party and**
6 **unaffiliated candidates for a partisan office.** (1) Candidates for
7 partisan public offices to be filled at a general or congressional vacancy
8 election who do not wish to affiliate with a major political party may be
9 nominated, other than by a primary election or a convention, in the
10 following manner:

11 (c) Every petition for the office of president and vice president,
12 for statewide office, for congressional district office, for the office of
13 member of the general assembly, for district attorney, and for county
14 office must be signed by eligible electors residing within the district or
15 political subdivision in which the officer is to be elected. Except as
16 otherwise provided in subsection (2) of this section, the number of
17 signatures of eligible electors on a petition is as follows:

18 (II) (B) At least five hundred in each congressional district for the
19 office of an at-large seat on ~~either~~ the state board of education, ~~or~~ the
20 board of regents of the university of Colorado, OR, FOR ANY TERM
21 COMMENCING ON OR AFTER FEBRUARY 1, 2025, THE TRANSPORTATION
22 COMMISSION;

23 (III) The lesser of one thousand five hundred or two and one-half
24 percent of the votes cast in the congressional district in the most recent
25 general election for the office of member of the United States house of
26 representatives, member of the state board of education for a
27 congressional district, ~~or~~ member of the board of regents of the university

1 of Colorado for a congressional district, OR, FOR ANY TERM COMMENCING
2 ON OR AFTER FEBRUARY 1, 2025, MEMBER OF THE TRANSPORTATION
3 COMMISSION FOR A CONGRESSIONAL DISTRICT;

4 **SECTION 8.** In Colorado Revised Statutes, 1-11-101, **amend** (2)
5 as follows:

6 **1-11-101. Tie votes at partisan elections.** (2) If at any general
7 or congressional vacancy election, after all recounts have been completed,
8 any two or more persons tie for the highest number of votes for
9 presidential electors, for United States senator, for representative in
10 congress, for regent of the university of Colorado, for member of the state
11 board of education, FOR MEMBER OF THE TRANSPORTATION COMMISSION
12 FOR ANY TERM COMMENCING ON OR AFTER FEBRUARY 1, 2025, for state
13 senator or state representative, or for district attorney, the secretary of
14 state shall proceed to determine by lot which of the candidates shall be
15 declared elected. Reasonable notice shall be given to the candidates of the
16 time when the election will be determined.

17 **SECTION 9.** In Colorado Revised Statutes, 1-11-205, **amend** (1)
18 as follows:

19 **1-11-205. Contests for state officers.** (1) Proceedings to contest
20 the election of any person declared elected governor, lieutenant governor,
21 secretary of state, state treasurer, attorney general, member of the state
22 board of education, ~~or~~ regent of the university of Colorado, OR, FOR ANY
23 TERM COMMENCING ON OR AFTER FEBRUARY 1, 2025, MEMBER OF THE
24 TRANSPORTATION COMMISSION may be commenced by filing with the
25 secretary of the senate, between the sixth and tenth legislative days of the
26 first session of the general assembly after the day of the election, a notice
27 of intention to contest the election, specifying the particular grounds on

1 which the contestor means to rely. The contestor shall file with the
2 secretary of the senate a bond, with sureties, running to the contestee and
3 conditioned to pay all costs in case of failure to maintain the contest. The
4 secretary of the senate shall determine the sufficiency of the bond, and,
5 if it is sufficient, approve it.

6 **SECTION 10.** In Colorado Revised Statutes, 1-45-110, **amend**
7 (2)(a) as follows:

8 **1-45-110. Candidate affidavit - disclosure statement.**

9 (2) (a) Except as provided in ~~paragraph (b) of this subsection,~~
10 SUBSECTION (2)(b) OF THIS SECTION, each candidate for the general
11 assembly, governor, lieutenant governor, attorney general, state treasurer,
12 secretary of state, state board of education, regent of the university of
13 Colorado, TRANSPORTATION COMMISSION FOR A TERM COMMENCING ON
14 OR AFTER FEBRUARY 1, 2025, and district attorney shall file a statement
15 disclosing the information required by section 24-6-202 (2) with the
16 appropriate officer, on a form approved by the secretary of state, within
17 ten days of filing the affidavit required by subsection (1) of this section.

18 **SECTION 11. Refer to people under referendum.** At the
19 election held on November 8, 2022, the secretary of state shall submit this
20 act by its ballot title to the registered electors of the state for their
21 approval or rejection. Each elector voting at the election may cast a vote
22 either "Yes/For" or "No/Against" on the following ballot title: "Shall
23 there be a change to the Colorado Revised Statutes concerning the
24 governance of the department of transportation, and, in connection
25 therewith, modifying the number of members of and manner in which
26 members are selected for the transportation commission and requiring the
27 transportation commission to select the executive director of the

1 department of transportation?" Except as otherwise provided in section
2 1-40-123, Colorado Revised Statutes, if a majority of the electors voting
3 on the ballot title vote "Yes/For", then the act will become part of the
4 Colorado Revised Statutes.