

**Referendum ?
Temporary Location for the State Seat of Government**

1 **Referendum ? proposes amending the Colorado Constitution to:**

- 2 ♦ establish a process for moving the state seat of government to a
3 temporary location during a declared disaster emergency.

4 **Summary and Analysis**

5 Since statehood, the Colorado Constitution has designated Denver as the state
6 seat of government. The legislature is prohibited from moving the seat of government
7 out of Denver unless it refers the question to the voters at a general election. The
8 question must be approved by at least a two-thirds vote.

9 Referendum ? creates a process for temporarily moving the seat of government
10 when a disaster emergency affects the ability of state government to operate in
11 Denver. It defines a disaster emergency as the occurrence or threat of widespread or
12 severe damage, injury, illness, or loss of life or property resulting from an epidemic or
13 a natural, man-made, or technological event. For the purpose of addressing such
14 emergencies, it also defines the seat of government as the location of the legislative,
15 executive, and judicial branches of the state of Colorado.

16 After declaring a disaster emergency, and after consulting with the Chief Justice
17 of the Colorado Supreme Court, the President of the Senate, and the Speaker of the
18 House of Representatives, the Governor may designate a temporary meeting location
19 for the state legislature. The legislature must meet at that location and decide
20 whether to enact a bill designating a temporary location for the seat of government
21 outside of Denver. Such legislation must include a date when the temporary location
22 of the seat of government expires. Referendum ? does not change the process for
23 permanently moving the state seat of government. Currently, 36 other states have
24 created a legal process to temporarily move the seat of state government in an
25 emergency.

26 **Arguments For**

27 1) The state constitution does not address whether the state seat of government
28 may be temporarily relocated during a disaster emergency. Referendum ? clarifies
29 this authority and enables state officials to plan for the temporary movement of state
30 government in the event of a declared disaster emergency. It also enables state
31 government officials to convene and respond to a disaster emergency and continue
32 essential government services without requiring a statewide vote on whether to move
33 the state seat.

1 **Arguments Against**

2 1) The state constitution does not specifically prohibit temporarily moving the
3 seat of government during a disaster emergency. The Governor and the legislature
4 have powers under current law and rules to address disaster emergencies. For
5 example, legislative rules allow the legislature to meet in another location in Denver or
6 elsewhere in the state during a Governor-declared disaster emergency. The Governor
7 also has broad powers to address disasters, including ordering evacuations,
8 suspending statutory regulations that hamper emergency responses, reassigning
9 state employees, and reallocating state moneys.

10 **Estimate of Fiscal Impact**