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Democracy deserved? An analysis of statehood for Washington, D.C.

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Democracy Deserved?
An Analysis of Statehood for Washington, D.C.

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Abstract:

Washington, D.C. was established to provide a sovereign space for the federal government to operate without the threat of state power or state militias influencing the government. An unintended consequence of the creation of the Capital is that the residents of D.C. do not have representation in the federal government nor do they have autonomy, despite paying federal taxes. This thesis explores the history of the democratic rights D.C. residents have and have not had as well as explores the past attempts to achieve statehood. Finally, this thesis answers constitutional questions of what D.C. statehood should look like and provides suggestions on how to structure a successful statehood movement.

Table of Contents

Introduction	2
History of D.C. Statehood	7
The Home Rule Act and the Current Statehood Movement	15
Constitutional Considerations for the State of D.C.	29
Course of Action for Statehood.....	41
Appendix	47
Appendix A: Map of the District of Columbia including Alexandria County	47
Appendix B: Current Map of District of Columbia by Zip Codes and Wards.....	48
Appendix C: New License Plates for Washington, D.C.	49
Appendix D: Map of D.C. Population Growth since 1800	49
Appendix E: Statehood Referendum from November 8, 2016	50
Appendix F: Combinations of District and At-Large Representatives needed to create a majority in the current legislature versus the proposed size	52
Appendix G: 1982 Constitutional Proposal	53
Appendix H: 2016 Constitutional Proposal	89
Works Cited.....	131
Bibliography	144

Introduction

The United States has historically been a leader in establishing and following fundamental democratic principles. One could go so far as to call these principles a foundation for American Exceptionalism (Tumulty 2013). Ironically, since the founding of the United States these fundamental principles have not been extended to the Capital: Washington, D.C. Washington, D.C. was established to provide a sovereign space for the federal government to operate without the threat of state power influencing or militias obstructing the government. An unintended consequence of the creation of the Capital is that the residents of D.C. do not have representation in the federal government nor do they have autonomy, despite paying federal taxes (D.C. Home Rule 2017). In this regard, D.C. is considered "both the most American and the least American city in the United States" (Fieffer 1981, 5). Since D.C. became the capital in 1800 there have been many unsuccessful efforts to resolve these errors and extended full democratic principles to D.C. residents.

Throughout history Congress has taken advantage of this power to interfere with local issues for the purpose of political partisan gain—not to protect the federal government's sovereignty (Davis and Portnoy 2017). Section II examines how the relationship between Congress and D.C. evolved. Most recently, Congress has intervened despite D.C. having home rule. This has included overturning legalizing marijuana, providing funding for abortions (Kane 2011), increasing gun control (Tau 2010), establishing a needle exchange (Kasperowicz 2011) and most recently, enacting a physician assisted suicide law (Lefrak and Austermuhle 2017). This exploitation has led to international peace and human rights organizations condemning the U.S. for denying D.C. democratic representation (Loikow 2017). When D.C. residents voice their opposition to home rule and advocate for statehood, Congress ignores them.

A recent attempt in 2016 for statehood had unprecedented success and has brought new hope to the movement. Section III explains what distinguishes the current form of government and the current movement from its past. In anticipation of the 2016 election, the D.C. statehood movement picked up momentum hoping to have a coherent and well-established pathway for statehood to provide for the newly elected president, who many in D.C. assumed to be Hillary Clinton. When Clinton lost, the movement redirected their efforts to rally against Republican congressional attempts to interfere with local governance.

D.C. has a population greater than Wyoming and Vermont, and residents pay more taxes than twenty states. States that have smaller populations and contribute fewer taxes have more sovereignty than Washingtonians. It is difficult to comprehend why the federal government continues to exert such a control over D.C. These issues demand the consideration of an alternative relationship between the two governments (Sadon 2016, Vasilogambros 2013). This thesis will examine how Washington, D.C.'s relationship with the federal government developed, analyze why previous statehood attempts failed, and offer a solution to these issues through statehood.

Possible Remedies

Statehood is not the only option D.C. could pursue, but it is the most realistic remedy to the issues posed by home rule. There are four possible pathways Washington, D.C. can take: retrocession to Maryland, amending the Constitution, enacting the Tennessee Plan, or becoming a state through congressional action. This thesis will focus on statehood through congressional action.

The first option, retrocession, would return the 68 square miles of land that is Washington, D.C. to Maryland and increase the size of Maryland. Retrocession follows congressional precedent, as Section II explains, in 1846 a portion of D.C. was retroceded to Virginia (Richards 2004, 67). Retrocession in the early 19th century was a reasonable solution, however over 200 years of D.C. independence from Maryland has resulted in the creation of a distinct culture that would clash with the cultures in Maryland. Retrocession is an option that neither D.C. residents nor Maryland residents are interested in (Hauck 2016). Washingtonians have a degree of autonomy and a unique identity that would be destroyed in retrocession.

The second option, amending the Constitution, would give D.C. voting representation in Congress but it would not give D.C. legal and budget autonomy. This option, as Section III explains, was unsuccessful in the 1970s and 1980s. Amending the Constitution is insufficient because it does not provide a complete remedy for the issues. If D.C. were to have congressional representation but not autonomy over legal and budget processes, the representatives from D.C. would have authority over D.C. equal to the Governor of the state. This would damage D.C. local government and further wed Congress to local affairs. Additionally, if the amendment were to include legal and budget autonomy that would be unprecedented to create a state from a constitutional amendment, have no legal rationale for doing such, and it would be incredibly difficult and costly compared to statehood through congressional action.

The third option, the Tennessee Plan, would involve D.C. declaring themselves a state with the hopes that Congress acknowledges D.C. statehood as well. This strategy was first used by Tennessee in 1896 when they declared themselves a state. The Tennessee territorial government established congressional districts and elected Senators and Congressmen to represent the newly declared State in the U.S. Congress (PR 51st 2015). Within a few months

Tennessee was welcomed into the Union as a state, breaking precedent for how states were normally admitted. Since Tennessee, six territories have used this method to become a state (PR 51st 2015). This is the preferred action for the 2016 statehood movement, but it is the least likely to gain any support due to the historic oversight Congress has had over D.C., and Congress's reluctance to relinquish their oversight.

The first three methods are insufficient which leaves the fourth option, statehood through congressional action, as the only reasonable option. Statehood through congressional action is consistent with Article IV, Section V of the U.S. Constitution, which has been the most common way of establishing new states. In this plan, Congress would pass a bill admitting the residential portion of D.C. into the union as the fifty-first state and subsequently condense the size of the federal district to include the White House, Supreme Court, Congressional buildings, and other federal buildings in the immediate area. As Section V further explains, this is the most realistic pathway for achieving statehood.

Washington, D.C.'s Demographics and Government Under the Home Rule Act

Originally, D.C. was 100 square miles; Virginia ceded 30 square miles and Maryland ceded 70 square miles. Currently Washington, D.C. is 68 square miles.¹ U.S. Census Bureau data estimates D.C.'s population was 681,170 in 2016 (U.S. Census Bureau 2010). Washington, D.C. is divided into eight wards averaging 75,215 residents per ward (Neighborhood Profiles 2012).² The City is overwhelmingly Democratic, 91% of D.C. voters voted for Democratic Candidate Hillary Clinton in the 2016 Presidential Election (DC BOE 2016). All of the politicians in the

¹ See Appendix A.

² See Appendix B.

government are either registered Democrats or registered Independents who align with the Democratic Party (D.C. Council 2016).

The government is composed of a legislative branch, executive branch, and judicial branch. Within the legislative branch exists the D.C. Council and Advisory Neighborhood Commissions (ANCs). The Council is composed of 13 members: 1 chairman who runs at-large, 4 at-large representatives, and 1 representative from each 8 wards. The Council has “the powers and duties comparable to those held by state, county and city legislatures, including the authority to adopt laws and to approve the District's annual budget submitted by the Mayor” (“D.C. Home Rule” 2017). This comparison is not completely accurate as state governments have the privilege of writing their own laws and do not have congressional oversight. ANCs act as liaison between the council and D.C. residents. There are 37 ANC districts, each composed of roughly 2,000 residents. The districts are responsible for zoning, parks and recreation, and other municipal projects (“Learn about Wards...” 2017).

The executive and judicial branches are not extraordinarily different from other city or state counterparts. The Mayor is elected to four-year terms by D.C. residents, as is the Attorney General. The Mayor's responsibilities are similar to a Governor. D.C. judges are appointed by the President of the United States and confirmed by the Senate, but the President must select nominees from a list of qualified individuals created by a Judicial Nomination Commission (JNC 2017).

The remainder of this thesis is organized as follows: Section II explains a history of the founding of the capital and the movements for statehood through the early 1970s; Section III examines the current form of governance under the Home Rule Act and recent attempts for statehood and expanded privileges; Section IV answers constitutional questions for the State of

D.C. that is reflective of D.C.'s unique history and modern form of governance; Section V details a pathway for attaining statehood and concludes the analysis.

History of D.C. Statehood

Washington, D.C. has been used as a political pawn for its entire history, starting before it became the capital. The city was built from undeveloped fields to serve as the home of government (Grymes 2014). In the 18th century, the debates about the district were overwhelmed by the concern with protecting the federal government and not the residents of the District. In the 19th century, two attempts were made to try to provide a remedy to the lack of democratic processes, first during the onset of the Civil War in an attempt to calm national tensions over slavery and then a second time during the Reconstruction Era. In the first half of the 20th century there was little progress on statehood. The second half of the 20th century was more successful and that lasted through the 1970s. From the 1980s until 2016 there was minimal progress. In 2016 a new statehood movement began that has the potential to be the preliminary steps of true accomplishment. As this Section and Section III explains, for every step forward for statehood there was at least one step back. A pattern can be established of D.C. gaining progress and then subsequently losing it, which evolved to show a steady increase in the federal government manipulating Washington, D.C.

The history of D.C. statehood from here on out is best categorized based on the degree of autonomy: the founding: 1780-1800; the original form of government: 1800-1871; the territorial form of government: 1871-1874; the least democratic form of government: 1875-1973; and the home rule government: 1974-present.

The Founding: 1780-1800

The Founders established a federal district after fear that having the federal government located within a state would risk militias or state governments intervening in federal operations (Crew 1892, 69). This concern came from a traumatic experience in Pennsylvania where the Continental Congress met in the 1780s. The state legislature met in the same building Congress was convening in. A mob of Revolutionary War veterans came to the Capitol to protest the Pennsylvania legislature over unpaid pensions. The mob got confused and ended up protesting and scaring the U.S. Congress, this event is known as the Pennsylvania Mutiny of 1783. This experience solidified the need for a constitutional protection of the independence of the federal government from any and all states as well as militias (Crew 1892, 69).

Washington, D.C. is not mentioned by name in the Constitution but Article 1, Section 8, Clause 17 lays out the framework for a federal district. Congress is given the power:

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of Particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings.

U.S. Constitution Article 1 Section 8 Clause 17

There are many ways to understand what the Founders meant in the constitutional clause, but very little research on the subject. Some scholars have focused on the wording of the 10x10 geographic limitation of the district, suggesting it was a sign that there was a fear the district would encompass too much space and too many citizens (The 51st 2013). Perhaps the Founders envisioned the federal district to be the home of federal buildings and federal employees, and not citizens who would be disenfranchised.

Other scholars have turned to *The Federalist Papers*, which were written by the constitutional framers to convince New York State to ratify the constitution. These essays show

the Founders justification and vision for the Constitution's implementation. There is only one Federalist Paper, *Federalist Paper* No. 43, which discusses the Federal District. *Federalist Paper* No. 43 was clear that the seat of government would exist within a local government that would be elected and run by local constituents, but ultimately checked by Congress. James Madison argued that, the "extent of this federal district is sufficiently circumscribed to satisfy every jealous of an opposite nature", and that a "municipal legislature for local purposes, derived from their own suffrages, will of course be allowed them" (Madison 1788). Despite Madison's explicit mention of self-rule, Congress did not follow this guidance.

While it is not possible to know exactly what the Founders truly had in mind, it is interesting to see how D.C. was never given a chance to operate much beyond a pawn for the federal government. The first instance of D.C. being part of a compromise to appeal to national interests was in the selection of location for the capital in 1790. New York, New Jersey, Pennsylvania and Maryland were quite vocal in the debates for hosting the Federal District (Congressional Debates 1790). Each representative voted for his home state or a state of a political ally. It would have been impossible to reach a majority for one state without striking a compromise. The area for the district was picked as part of the Compromise of 1790 orchestrated by Alexander Hamilton, Thomas Jefferson and James Madison. It was a compromise between the North and South, balancing federal assumptions of revolutionary war debt and the location of the capital. In the compromise, the federal government assumed state debts from the Revolutionary War and the Capital would be located in the South (Cooke 1790, 524).

Congressional attention was focused on how to protect the federal government and appeal to congressional interests. The Pennsylvania Mutiny had happened while a large population within D.C. was hypothetical. In 1790 D.C. had fewer than 30,000 residents, barely any

buildings, and dirt roads (Riche 1996). In 1788 and 1789 Maryland and Virginia ceded the territory, roughly 67 miles-squared from Maryland and 33 miles-squared from Virginia (Busey 1900). There were two counties: Washington County in Maryland and Alexandria County in Virginia that each had their own laws and governance (Furer 1975, 1). From 1790 to 1800, those who lived within the 10x10 boundaries were voting residents of the states where their homes were previously situated. Congress's lack of debate on the subject of quality of democracy for residents resulted in errors that were immediately identified once D.C. became the capital in 1800.

The Original Form of Government: 1800-1871

The District officially became the seat of the federal government in 1800 (Furer 1975, 2). The 1801 Organic Act formally placed D.C. under the control of Congress and established a form of local governance. Residents in Washington County and Arlington County could vote for a local council, and the mayors were either through appointment by President, or vote by he legislative council or the electorate throughout this period (Loikow 2017). Residents could not vote for President, Vice President, or have Congressional Representation, and did not find this treatment fair or democratic.

Issues in the Organic Act were seen immediately. In 1803, Congressman John Simile (R-PA) raised concerns about the necessity of Congress having such jurisdiction, explaining “there was no doubt that... [Congress] would always have sufficient power to protect themselves” and that by having such a jurisdiction District residents would be governed “by laws not made with their own consent... by men who have not the interest in the laws made...by men also not acquainted with the minute and local interests of the place, coming, as they did, from distances

of 500 to 1,000 miles” (Richards 2004, 57-8). Other congressmen speculated that the District would quickly become a territory and gain some sort of federal representation and that the federal government would not realistically maintain such oversight over the district (Richards 2004, 58). Their concerns were ignored in favor of focusing on more pressing concerns.

Within D.C., retrocession movements begin as early as 1803 to return the land ceded by Virginia and Maryland and to restore full Constitutional and voting rights to residents. The efforts came to miniscule success in 1820, when Congress amended the Organic Act to allow for Washingtonians to vote for Mayor (Tindall 1909, 26). This was a nice gesture, but it did not provide even close to a real solution for residents, therefore the petitions for retrocession continued.

All of the counties within D.C. had sufficient arguments for retrocession, but Washington County had less unified support because they had greater benefits from the federal government than Alexandria County. Alexandria County was barred from constructing federal buildings because it was too difficult to travel across the Potomac River (Richards 2004, 60; HR Chapter XVII 2nd Cong.). East of the Potomac, Washington County was experiencing economic success and residential growth and therefore was less willing to risk disrupting the success associated with being the capital. West of the Potomac, Alexandria County’s economy was unable to utilize the benefits being the home of the federal government.

It became clear that the federal government was unwilling to treat Alexandria County equally to Washington County (Richards 2004, 74). Alexandria County developed the port on the Potomac River to increase slave trade with the state of Virginia (Richards 2004, 57). In 1843, Congress passed a law revoking the Alexandria charter; Virginia subsequently passed a law accepting the Alexandria land back into Virginia (Richards 2004, 67). Washington County

attempted to persuade Congress to discuss retrocession or at least increasing democratic rights within D.C., but Congress did not hold so much as hearing on the subject. This is because Washington County and the Potomac River acted as buffer zones separating the federal government from states. If Washington County were to retrocede, the federal government would be putting itself at risk of another Pennsylvania Munity. Once Alexandria retroceded, it seemed unlikely that the Maryland would ever be considered for retrocession.

Washington County's dependence of the federal government was obvious and politicians were not hesitant to exploit this relationship. This was next seen in the Compromise of 1850, which outlawed slave trade in Washington, D.C. and District slave owners received compensation for the freeing of their slaves (Pinsker 2009). Ironically, territories that were new to the United States had a greater ability to legislate for themselves than the capital of the nation. While D.C. residents most likely supported the Compromise of 1850, seeing as there are no reports of major oppositions to the clause, Congressmen were making decisions about the District for the sake of balancing national tensions, not to help the City. The irony continued when in 1862, slavery was outlawed in D.C. three years before the Thirteenth Amendment was passed, which outlawed slavery nationally (Tindall 1909, 3). Also in 1866, all male residents in D.C. were granted suffrage, regardless of race, four years before the Fifteenth Amendment was passed, which provide suffrage regardless of race at the national level (Loikow 2017). Congress was expressing an ability to legislate in D.C. but not an ability to legislate for the nation. During this period, D.C. played the role of testing legislative experiments. These policies increased civil rights to millions of Americans who did not have them, but Congress chose to test these policies out on a population that had no say in the legislative process they were subjected to. Playing the role of a laboratory was not the intent of the federal district.

Territorial Form of Government: 1871-1874

The territorial form of government for D.C. was a brief period during the Reconstruction Era in which Congress entrusted, and then subsequently revoked, a more autonomous form of government for D.C. The population of Washington, D.C. grew by over 75% following the Civil War and ratification of the Thirteenth Amendment (Riche 1996).³ This expansion overwhelmed the District and the small governments within Washington and Arlington County. In 1871, Congress passed the Organic Act of 1871, which changed D.C. from a federal district to a federal territory. The individual charters of Georgetown and the City of Washington were revoked and a single municipal government was established (Tindall 1909, 29). Residents were able to vote for a lower chamber of the council, a non-voting member of the House of Representatives, and to approve the Presidentially appointed Governor.

In the three years D.C. had a territorial status there was financial chaos. Governor Alexander Shepherd overspent tax dollars on public works projects and quickly bankrupted the City (Furer 1975, 31). Additionally, congressmen began to dislike the fact that many black residents were gaining power in the local government (McQuirter 2003). The financial status combined with many congressmen wanting to undo the self governance granted to a city with a prominent black population led to the repeal of the Organic Act of 1871 and the establishment of a new form of government completely controlled by the federal government (Richards 2001). The capital of one of the most powerful nations in the world failed at basic self-governance.

³ See Appendix D.

The Most Restrictive Form of Governance: 1874-1973

In Congress's eyes, D.C. residents were incapable of self-government and could not be trusted. The succeeding form of government established in 1874 removed all voting rights from D.C. The president appointed a three-person governing Board of Commissioners to run the City (Tindall 1909, 29). D.C. residents could not vote for any of their local leaders nor could they vote for the politicians who appointed them. This was the most restrictive form of D.C. governance that has existed in its history.

From 1875 to 1961 D.C. residents did not make significant progress towards statehood (Loikow 2017). The lack of progress in part can be explained by the fact that the City was rebuilding financially, adjusting to a massive increase in population, and the prioritization of national issues (like the World Wars and the Depression) that made Congress unwilling or unable to discuss D.C. rights. The most significant reason for a lack of change however was because of racism in the District Committees in Congress. From the mid 19th century onward the black population in D.C. grew at a rapid rate and by the 1960 census, D.C. became the first major majority-black city (Stewart 2011). Racist congressmen chaired the District committees in both chambers and prevented any legislation from advancing that would have given D.C. residents local autonomy. While this existed in both chambers, it was especially prevalent in the House (Schaffer 2005, 4). As long as racist representatives controlled the District Oversight Committee, no effort would be seriously made to help D.C. democracy.

The two exceptions to this occurred in 1961, when the Twenty-Third Amendment was passed, and 1971, when the non-voting delegate to the House of Representatives position was re-established. The Twenty-Third Amendment gave D.C. three electoral votes in the Electoral College. This Amendment, which was ratified in 1961, was a result of the admittance of Alaska

and Hawaii as states, the growing Civil Rights Movement and the support of then-Vice President Lyndon B. Johnson (Walters and Travis 2010, 70). In 1971, D.C. residents were allowed once again to elect a non-voting member of the House of Representatives who had, and still has, the privilege to sit on committees, vote in committees and draft bills, but is unable to vote on legislation on the House floor (James 2009).

For nearly two hundred years, D.C. had been oppressed, and used as a tool of national political agendas, which neglected of the voices of D.C. residents. The views of D.C. residents were not considered important to Congress. Congress and the President did what they thought was best for the nation, and did not choose to consider what was right for the local residents. While the territorial status had the potential to be a turning point in increased rights, D.C. proved skeptics right by failing. After this failure, voices for fair democratic treated retreated, like they did in 1843, waiting for an external force to convince Congress to change. This change happened in 1973 when the House District Oversight Committee got a new Chairman and the federal government relinquished some of their power over D.C. and therefore residents gained control of their government.

The Home Rule Act and the Current Statehood Movement

In 1973, after 99 years of territorial government, Congress passed the Home Rule Act, which gave D.C. a second chance at self-governance and a renewed sense of empowerment. During the Home Rule Act era, a constitutional amendment was almost added to give D.C. voting congressional representation, Congress voted on a bill to accept D.C. as the 51st state in 1993, the city experienced economic hardships, and finally in 2016 reoriented goals and established a new statehood movement. The 23-year gap between the vote for statehood and the

resurgence of the new movement can be explained by the prominence of other issues by the mayors as well as the absence of seeing a big picture for D.C. The movement has the greatest chance of success following the major progress in 2016 but still has to overcome obstacles to guarantee statehood.

The First Years of Home Rule and the Voting Rights Amendment

The Home Rule Act is the current form of government. The home rule eliminated the Presidential appointed government in favor of a mayor and council locally elected by popular vote. Washingtonians gained the fundamental right to create and pass new laws and establish a budget. However, Congress has the ultimate authority to approve the local budget and to strike down laws. Home rule had support in the Senate for years before act was passed due to the agenda setting power of the House District Oversight Committee Chairman John McMillan (D-SC). McMillan was racist and blocked any sort of legislation regarding home rule from being considered by the House (D.C. Home Rule Hearing 2016). When McMillan lost re-election in 1972, Charles Diggs (D-MI) became the chairman. In complete contrast to McMillan, Diggs was an African American and a vocal member of the Civil Rights Movement. Instantaneously, Diggs gathered the support within the House to pass the D.C. Home Rule Act (D.C. Home Rule Hearing 2016).

In just twelve years D.C. residents had achieved three major accomplishments towards statehood: gaining electoral votes, getting a delegate to the House of Representatives, and a more democratic form of government under home rule. With these achievements, residents proved they had changed since the 1870s and were capable of self-governance. This progress made it seem that statehood was realistic in the foreseeable future. Residents were optimistic that even

more progress could be achieved in 1978 when Congress passed the Voting Rights Amendment, a constitutional amendment that would provide D.C. with two voting Senators and a voting Representative in the House (H J Res 554). The amendment went to the states for ratification where it failed to gain 2/3 support. Many of the states that opposed the amendment were concerned about how the addition of Congressmen would affect the balance of power in the chambers and were concerned that this would encourage U.S. territories to lobby for voting representation as well.

Before the amendment had failed, Washingtonians wanted to show they were serious about statehood. Residents convened a constitutional convention in 1982 to create a plan for statehood to persuade states to support the amendment, for if the amendment were to pass all D.C. would need is legal and budget autonomy to equal the duties of a state. The constitutional convention produced a very strange document that seemed more like a legislative bill than a constitution. The issues with the 1982 constitution are discussed in Section IV.

Despite residents' effort to persuade states to support them, the amendment died and the momentum behind the statehood movement was subsequently lost. During the 1980s, there was no clear leader for statehood and no real attempts were made. City-level issues took center stage and statehood was pushed to the backburner. The responsibility of caring for a diverse city that has the jurisdictional responsibilities of a city, county, and state meant the local government had their hands full and statehood was abandoned.

Mayors from 1975 to 2016

The lack of leadership for statehood can be understood in part by looking at the priorities of the Washington mayors. Mayors are the face of the city and carry strong agenda setting power

within the government: the mayor's priorities become the city's priorities. From the 1980s until 2016, the mayors were focused with establishing the city government and having the city operate well as a city. Financial issues and gaining the respect from Congress were issues that consistently put itself in front of statehood.

The first mayor, Walter Washington, serving from 1975-1979, focused on getting D.C. to operate as a semi-independent jurisdiction and prove to everyone that D.C. could handle the responsibility that it so significantly failed with in the 1870s (Walters and Travis 2010, 56). Washington became, "an architect and advocate for a community that was learning how democracy worked on the local level", and less so an advocate for statehood (Walters and Travis 2010, 57). Washington was the Mayor when the Voting Rights Amendment was introduced. Until D.C. could prove the Home Rule Act worked well, statehood was not realistic.

Walter Washington's goals and primary focus on stabilizing the city and federal relations ultimately led him to lose reelection in 1978 against the charismatic Marion Barry. As mayor, Marion Barry prioritized creating a strong identity for all Washingtonians while unifying and legitimizing the voice and concerns of blacks in the City (Walters and Travis 2010, 69). Barry, serving as mayor from 1979-1991 then again from 1995-1999, increased employment throughout the city, mainly by creating jobs within the government, which gained popularity. Instead of focusing on statehood, Barry focused on improving the quality of life for D.C. residents (Walters and Travis 2010, 78). Despite all of the positives Barry contributed, he also brought scandals that reduced the perceived and efficacy legitimacy of the D.C. government and set D.C. back in public perception, specifically in Congress's eyes.

Marion Barry's reign as mayor took a brief pause when he was sent to jail for cocaine possession (York and Thompson 1990). During this period, Sharon Pratt Kelly served as mayor.

Kelly was an effective antidote to the Barry years because she gave Washington, D.C. a fresh, respectable image in the eyes of Congress (Walters and Travis 2010, 88). Kelly led a relatively small movement for statehood, which included weekly peaceful protests at the Capitol.⁴ Kelly's movement got the attention of Congress. In 1993, with a Democratic majority in Congress and a Democrat leading the White House, the D.C. shadow representative, Eleanor Holmes Norton, introduced a bill to admit D.C. as the 51st state. Despite the Democratic majority in Washington, the bill vote was scheduled on the Sunday night before Thanksgiving. The bill failed to get 50% of the vote (Final Vote Results 1993). This bill was set up for failure and yet it was the closest the District has come to statehood in recent history. Perhaps if Kelly had been more than a one term Mayor, she would have been able to rebuild the statehood movement from the failure of the vote and have another vote because she made statehood a top goal more than any other mayor, excluding Mayor Muriel Bowser.

Once Marion Barry was out of prison, he was re-elected as mayor and continued to focus on citywide issues and failed to look to the bigger goal of statehood. By 1995, the financial status of D.C. was abysmal and Congress established a Financial Control Board over D.C. (DeBonis 2011). The Presidentially appointed board was another reminder of how quickly the federal government could revoke elements of self-governance of the District, which should have ignited a push for statehood. The financial control board undoubtedly mirrored the defeat in 1874. After four consecutive years of D.C. passing a balanced budget on time, the Financial Control Board was terminated and the locally elected council regained authority over the aspects

⁴The author attended an event called Breaking Through Power on September 28, 2016. During the D.C. Statehood panel, Sharon Pratt Kelly shared her experiences with getting support for statehood.

of local affairs mandated by the Home Rule Charter but they still did not have autonomy. The prospect of budget autonomy seemed unlikely (DeBonis 2011).

The mayors that succeeded Barry, excluding Muriel Bowser, increased financial solvency, prioritized economic development and continued to issue statements against Congressional oversight of D.C. affairs, but took little action for statehood (Walters and Travis 2010, 80). The little action that was taken occurred in 2000 when the D.C. government changed the standard license plates to include the phrase “Taxation without Representation”.⁵ As one of the most well known phrases from the American Revolution, the phrase undoubtedly connotes ideas of American values. It also shows the irony that the capital that fought against taxation without representation suffers from this very injustice. It is nearly impossible to ignore this phrase on the license plates, which have created chatter regarding statehood but not much action. Presidents since 2000 have used these license plates in their official POTUS motorcades. Both Democratic Presidents, Bill Clinton and Barack Obama, used these license plates. Republican George W. Bush chose to remove the quote from his motorcade license plates. To a degree of surprise, Republican President Donald Trump is using the license plates with the phrase, but critics believe this was most likely unintentional, he simply did not request that the license plates be changed from his predecessor (Greenwood 2017). The use of the license plates shows support towards statehood but it does not equate action regarding the issue.

Overall, the lack of action taken by the mayors in the 2000s is most apparent with the election of Barack Obama in 2008. In 2008, Democrats had the majority in both chambers of Congress as well as the White House. Obama vowed to support a voting rights measure for the D.C. delegate to the House, if a bill reached his desk (Walters and Travis 2010, 262). Politically,

⁵ See Appendix C.

there seemed to be more vocal support in Congress in 2008 than in 1993. This support was useless, as Mayor Vincent Gray did not encourage the statehood movement enough. There was no attempt to create prominent vocal support, referendums for voters to vote on, nor was a state constitution drafted.⁶ The failure of the movement in 2008 hung over the heads of the local politicians who took charge for the 2016 movement (Nakamura and Davis, 2016).

Congressional “Representation”

The mayors are not the only individuals who have power to influence the statehood movement. Washington, D.C. has two shadow senators and one non-voting delegate to the House of Representatives, positions that should by definition put the individuals serving in those capacities alongside Congressmen to push D.C.’s agenda. In fact, the purpose of the shadow senators is to serve as “nonvoting officials sent to Congress to lobby for District statehood” (Peterson 2016), with the hope that the lobbying will be successful enough that the word “shadow” would be removed from their title, and they would become United States Senators. This is an especially difficult task considering that the Senate does not acknowledge them as shadow senators.

The shadow senators in recent history have failed to convince the Senate to treat them fairly. They do not have Senate offices, are unable to serve on committees, are not invited to hearings regarding D.C. issues and do not have a vote in any capacity in the Senate.⁷ While there are massive hurdles in achieving Senate recognition, the most serious hurdle is that the officials serving as shadow senators do not seem to be fully aware of their positions. During a statehood

⁶ The author had a conversation on February 17, 2017 with Bo Shuff, the Director for Advocacy for D.C. Vote, an organization that supports ending home rule for D.C.

⁷ The shadow senators explained how they are treated by the Senate at Breaking Through Power.

event in September 2016, Shadow Senator Michael Brown exclaimed that someone needed to be a leader and take charge of the movement.⁸ Brown seemed unaware that the role he was seeking someone else to have is the role he was elected to serve. Until the shadow senators figure out a strategy that works for the D.C. agenda and within the Senate, their positions will be unable to find success.

The shadow representative in the House of Representatives has considerably more success in gaining some respect. At the urging of the shadow representative, from 1988 to 2000 the Democratic Party's platform included their commitment to statehood; it was included again in 2016 (Loikow 2017). The current shadow representative, Eleanor Holmes Norton, is serving her fourteenth term as delegate. Norton is considered one of the many faces of the 2016 movement; she has been a vocal advocate for statehood and has collected consistent Democratic co-sponsors and allies. Norton's efforts reached a peak in 1993 when the House voted on a bill to admit D.C. as the fifty-first state (HR 51 103rd Cong.). Norton also leveraged relationships with Senate Democrats who introduce and co-sponsor Senate counterpart versions of the bills for D.C. rights. While Norton's job should be to persuade House members to support statehood and advocate the D.C. agenda, she actually spends more time defending the rights D.C. currently has under home rule, as evidenced from the recent overreaches regarding gun control, privacy and individual rights identified in the succeeding subsection.

The most recent bill for D.C. statehood in the 115th Congress is the Washington, D.C. Admission Act, H.R. 1291. The bill has 117 co-sponsors in the House, all of who are Democrats (H.R. 1291 115th Cong.). However, another bill introduced in the 115th Congress to eliminate Congressional review of District laws has no co-sponsors (H.R. 1479 115th Cong.). The 117

⁸Brown exclaimed this during the Breaking Through Power event.

representatives who support the bill for Statehood, which includes the elimination of Congressional review over D.C. laws, but not the bill that solely eliminates Congressional review represent the duality in the way D.C. issues are viewed by the federal government. This discrepancy makes it seem that Democrats only support statehood on the surface, and do not genuinely care.

Overreach in District Affairs in the 21st Century

Every bill about D.C. rights that Norton has introduced since 1993 has not gone beyond a committee vote, if it has gotten action at all (D.C. Vote 2014). This has ranged from making the Delegate a genuine Representative to full statehood. Every bill is blocked by Republicans, tabled and subsequently forgotten, or intentionally not placed on the congressional calendars. In the 2000s and 2010s, politicians have taken unprecedented and unnecessary reaches into D.C. local affairs to prevent government shutdowns, advance their partisan agendas, or fulfill personal beliefs.

In 2007, a group of Senators blocked the debate of a bill to grant D.C. a voting member of the House; which was the first time that voting rights legislation was filibustered since the Civil Rights era (D.C. Vote 2014).

In 2009, lobbying by the NRA overrode and ultimately killed a bill to make the non-voting delegate a voting delegate (S 160 Amendment 575 111th Cong.). The NRA lobbied to successfully attach riders that would have amended all gun control laws. If this bill had passed, in D.C. the ban on semiautomatic weapons would have been removed, criminal penalties for unregistered firearms would be nonexistent and it would have prevented the ability for D.C. to enact future gun control laws. The same bill had a second amendment added that would severely

limit the establishment of a needle exchange program (Fears 2009). This attempt to block voting rights was an insane measure to use D.C. as a pawn to promote partisan agendas.

During 2012 budget negotiations, alleged Statehood supporter President Barack Obama used D.C.'s law increasing access to safe abortions as a negotiating tool with Republican Speaker of the House John Boehner in order to prevent a government shutdown (Kane et. al 2011). The purpose of Federal oversight over Washington, D.C. was to prevent encroachments at the federal level by states, not to arm the federal government with to throw D.C. around like they are worthless. Obama's willingness to stand with D.C. at one moment then turn around and use D.C. as a bargaining tool shows that D.C. rights are not a priority for the federal government.

In 2014, a deal by Senate Democrats and House Republicans blocked D.C. from legalizing recreational marijuana, despite the ballot initiative passing with 71% of the vote (Davis and O'Keefe 2014). Republicans supported blocking the legalization, while Democrats were more willing to let the D.C. government enact what the residents lawfully approved. It is not clear what Democrats gained by agreeing to this compromise, but it is clear that the compromise was made to prevent a government shut down proving that yet again D.C. could be used as a pawn to maintain peace in the federal government.

In 2016, the D.C. government passed a law legalizing physician-assisted suicide (Jamison and Davis 2016). The Chairman of the House Oversight Committee (which includes District oversight), Jason Chaffetz (R-UT) expressed significant opposition to the law for no other reason than his "deep personal, moral conviction" (Jamison and Davis 2016). The House and Senate had companion resolutions of disapproval, which did not pass before the given deadline, but is arguably the most significant example of how congressional oversight over District affairs has strayed from its original intent (S J Res 4 115th Cong., H J Res 27 115th Cong.). Chaffetz had

personal reasons for opposing the law, which in no way shape or form would have affected himself or his constituents. Nevertheless, he and numerous other congressmen sought to block D.C. from passing a law that had local support.

These encroachments do not serve the benefit of D.C. residents; they serve as pieces to help reelection campaigns and party agendas. These acts are what have kept shadow Representative Norton busy defending home rule.

International Support for Statehood

In the 1990s, it became clear that nationally statehood was not gaining much support. D.C. officials focused their efforts on local concerns and preserving elements of the Home Rule Act, but some lawyers and residents presented the issue of lack of voting and statehood to various international agencies to try to apply pressure to support statehood. In 1993, D.C. resident Tim Cooper began the process of taking D.C.'s case to the international courts through the Organization of American States (OAS). In 2001, the OAS ruled that the denial of D.C. citizens of equal protection is a violation of human rights (Cooper 2001). In 2004, the OAS issued a report condemning the United States for denying the District residents participation in the federal legislature (Loikow 2017).

In 2005, the Organization for Security and Cooperation in Europe (OSCE) passed a resolution calling on Congress to support equal voting rights for D.C. residents (Loikow 2017). Then in 2006, the United Nations Human Rights Committee found that D.C.'s lack of voting representation at the federal level was in violation of the International Covenant on Civil and Political Rights, which the United States is a signing member of (Cooper 2001). In 2007, the OSCE found D.C.'s lack of equal congressional voting rights inconsistent with U.S. human

rights commitments under the OSCE charter (Loikow 2017). OSCE's ruling and the federal government's reluctance to comply led Cooper to call "this contradiction between principle and behavior... [represents] America's political Achilles' heel on D.C. rights" (Cooper 2001). OSCE again in 2016 released a report which found that the denial of voting representation for District residents in Congress violates OSCE commitments, which the United States are required to follow (Loikow 2017). The OAS and OSCE are not only respected international organizations; these are organizations that the United States is a member of and obligated to follow their rules. Somehow, despite their status within these organizations, the United States is still unwilling to grant D.C. residents' basic federal voting rights.

Mayor Muriel Bowser and the 2016 Statehood Resurgence

The current mayor, Muriel Bowser, is leading the new statehood movement. Learning from the 2008 defeat, Bowser prepared a draft constitution and created support before the President and new Congress are sworn in. Bowser held a series of constitutional conventions, town halls, and forums to get citizens feedback and to engage them in the process so a referendum could be voted on in the November election. The deadline of the November elections gave the statehood movement a very short amount of time to achieve all Bowser wanted to achieve. The deadline was so close in fact that the constitution proposed in 2016 virtually identical to the Home Rule Act and calls for a constitutional convention within five years of statehood to review what, if anything, should be changed from the current form of government (Austermuhle October 2016, Resolution 21-621). The rationale behind this plan was also that

Congress would be more likely to support statehood if the state would not deviate dramatically from home rule, which is currently supported by congressmen.⁹

The work of Bowser and the constitutional conventions led to Election Day on November 8, 2016, where D.C. residents were asked to vote to approve or disapprove of statehood.¹⁰ This measure passed with 78.48% of the vote, which equaled 51% of all registered voters (D.C. BOE 2016). Of the remaining 21.52% of voters, 13.11% voted no and 8.5% abstained from this question or selected both “yes” and “no” (D.C. BOE 2016). This was the largest percent of voter support that the D.C. statehood movement ever received. The goals were clearly stated and residents are supportive.

The support for statehood was incredible on Election Day, but the positives of that were contrasted by disappointing federal election results. The ultimate goal of the referendum was to present the Constitution to a Democratic President and at least one Democratic chamber of Congress. The results of the 2016 elections did not provide such an outcome: the president and the majority of both chambers in Congress were Republican. The pathway for achieving statehood had to be changed. Support for statehood could have ceased after this shortfall, yet for the first time in D.C.’s history this shortfall did not mean the movement was done. Many locals who were not previously politically active began supporting the statehood movement and the multiple local movements came together more than ever before to form a semi-unified voice against Congressional and Executive overreach into local affairs.¹¹

⁹ This was told to the author in the conversation with Bo Shuff from D.C. Vote.

¹⁰ See Appendix E.

¹¹ Bo Shuff from D.C. Vote observed this increase.

Controversy Regarding Statehood

There is opposition to D.C. statehood primarily from the Republican Party. The Republican Party has traditionally not supported statehood for two reasons: they find it in violation of the Constitution and they do not want to support the admittance of two Democratic Senators into the Senate. D.C. is urban and racially diverse; statehood would guarantee two liberal Democratic Senators for decades to come. While these individuals would most likely be against the disenfranchisement of 680,000 Americans, the partisan implications of statehood create severe opposition. The Democratic Party has been more welcoming, but only half-heartedly; they rarely take action on behalf of statehood as explained above. They have adopted increasing D.C. rights in the party platform, but have not done much else.

The small amount of controversy that exists within D.C. that led to a great portion of the voting no is in regards to the process that was taken by Bowser and the content of the 2016 proposed constitution, not statehood itself. Some individuals even went so far as to charge D.C. residents to vote against the referendum measure to show their protest against Bowser's plan. In the 2016 referendum, nearly 41,000 D.C. voters voted against supporting this push for D.C. statehood (D.C. BOE 2016). Some individuals at the constitutional conventions went so far as to accuse Bowser of pushing the process along so quickly that it was an attempt to self-sabotage the movement. Based on conversations the Mayor has partaken in, the amount of time she has dedicated, and the unprecedented support she has generated, accusing Bowser of trying to sabotage statehood is ridiculous. Other opponents criticize the selection of the delegates to the constitutional convention. The delegates that were selected in 2016 were local officials and picked internally, unlike the 1982 constitutional convention which elected delegates.

One supporter of statehood but not of the movement, Ann Loikow, said, “I’m not going to support it, because I don’t know what I’ll be voting for, this whole process is a sham. . . . They’re not offering us democracy — they’re offering us autocracy, and they’re the autocrats that are going to keep running it” (Austinmuhle October 2016). Viewpoints like Loikow are a minority of opinions, but they are a very vocal minority. Congress will be unlikely to support the movement, beyond co-sponsorship, if there is a loud voice, or the perception of a loud voice, against statehood in D.C. Realistically, current opposition is a very small portion of voters that is unlikely to derail the process.

Constitution Considerations for the State of D.C.

Federal overreach and the blatant disregard of residents’ rights marks the history of Washington, D.C. Since D.C. gained home rule, attempts were made to achieve statehood but realistically D.C. had not proven they could overcome setbacks until the financial control board. Statehood did not become a truly pressing concern until Congress began a series of overreaches in the 21st century. While it once made sense to give the federal government a large area of territory to control, this no longer makes sense. The current Home Rule of D.C. cannot continue without continuing to violate the commitments of international organizations and the American values that have existed since the American Revolution. Washingtonians deserve statehood and want statehood now more than ever as seen in the 2016 referendum.

Statehood is the only reasonable remedy to resolve the issues outlined throughout D.C.’s history. Using a comprehensive analysis of the previous constitutional proposals and scholarly texts as well as the Home Rule Act as a foundation, this section will answer constitutional questions to offer what the State of D.C. should look like.

The purpose of statehood is to sever the oversight that the federal government has on local policies and provide voting representation in Congress. Similar to how two states have a working relationship on shared borders, the new state and federal government should continue to cooperate.

There is no perfect formula for how a state should operate, which is why each state operates differently to serve their unique constituency. This proposal incorporates the current form of government, the Home Rule Act, the former proposed constitutions of 1982 and 2016¹², and scholarly texts. Together these elements create a more perfect way to govern Washington, D.C. The constitution is structured as follows: legislative branch, executive branch, judicial branch, name of the State, bill of rights, and additional concerns.

Legislative Branch

Within the legislative branch, type of legislature and legislature size are more important to address. The two options for type of legislature are unicameral or bicameral. D.C. currently has a unicameral council, so it would make sense to maintain the one chamber to maximize transition efficiency. However, forty-nine states have a bicameral legislature (NCLS 2016). Bicameral legislatures typically are meant to balance diversity of interests of representatives and create an institutional check on each branch (Riker 1992, 101). D.C. is an entirely urban area; the issues that face one district could very well face any of the other districts. While the argument about an additional check is valid, a check can be achieved more parsimoniously through maintaining the at-large councilmembers. The addition of a second chamber would only slow

¹² See Appendices G and H.

down legislative actions and create unnecessary costs. Therefore, the legislature should be unicameral.

There is no formula for estimating the most efficient legislature size. The size of state's legislature ranges from 49 seats (Nebraska) to 424 seats (New Hampshire). Wyoming and Vermont, which have smaller populations than Washington, D.C., could provide a possible framework. Wyoming has a bicameral legislature with a total size 90 seats, 60 in the lower chamber and 30 in the upper (NCLS 2016). Vermont has a bicameral legislature with a total size of 180 seats, 150 in the lower chamber and 30 in the upper chamber (NCLS 2016). The fifty states have much greater geographic diversity and have a mix of rural and urban interests. D.C. is 1/130 the square mileage of Vermont and is entirely urban, having close to as many representatives as Vermont would effectively destroy any efficiency of the legislature. While it is interesting to look at the sizes of other state legislatures, there is no useful one-to-one comparison.

Scholarly texts provide much better insight the degree of efficiency and costs within legislative chambers, the most applicable of which is the law of 1/N. The law of 1/N, as applied to unicameral legislatures makes the argument that the more legislative districts, the more inefficient projects and government management becomes (Weingast 1981, 662). Therefore it is important to keep the number of districts small. The legislative chamber, called the House of Delegates, should be relatively small but larger than what currently exists.

The current size of the D.C. council, 13 members, is so small that each councilmember serves as the chair of at least one committee and serves as a member of at least two committees (D.C. Council 2017). This means each councilmember has a tremendous amount of

responsibility and committee resources are spread very thin. Chairmanships lose prestige because everyone is entitled to one. The inefficiencies that can be identified for each individual councilmember being concerned with their constituency, committee chairmanship, and committee memberships are so significant that the quality of work, while good, is not as effective as it could be (Fiscal Note 2016). Increasing the number of representatives would enable the state to work more efficiently.

It is clear that the House size needs to increase, but the law of 1/N limits the increase. The 1982 constitution proposed the creation of forty legislative districts, which is far too large to maintain efficiency.¹³ Forty districts would overwhelm the legislative proceedings and put too many representatives in the system. Not only would this be inefficient in the long term but also the transition from city to state would be so complicated that the State would be buried in inefficiencies.

The 2016 constitution proposed converting the eight wards to eight districts and electing two representatives per district to increase the legislative size from 13 to 21.¹⁴ While the number of districts is reasonable, only increasing the district representatives and not the at-large representatives virtually eliminates the power of the at-large representatives. Excluding the chairman, the current ratio in the Council is two ward representatives for every at-large representative. The 2016 constitution would create a ratio that is four district representatives for every at-large representative. This make-up means some of the districts could gang up on a few others and create policies that do not provide an equitable distribution funding or benefits (Langbein 1996, 275). If the number of at-large representatives was increased to maintain the ratio of 2:1, then the simple majority would increase and either more districts would have to

¹³ See Appendix G, page 57.

¹⁴ See Appendix H, page 98.

agree to the policies or a greater number of at-large representatives would have to support the measure.¹⁵

Overall, the legislature should be composed of 16 district representatives, two from each district; 8 at-large representatives; and one lieutenant governor presiding over the chamber. The presence of two representatives from each district should encourage political participation and encourage members to do their jobs efficiently. A simple majority would consist of 13 votes. This legislative proposal would maximize efficiency and establish a relatively seamless transition into a state.

Also in the legislative branch are Advisory Neighborhood Commissions (ANCs). ANCs are a form of government at the neighborhood level and have jurisdiction over a wide range of policies and programs including traffic congestion, parking, parks and recreation, street improvements, liquor licenses, sanitation and trash collection (“Learn about Wards...” 2017). In addition to dealing with civic issues, ANCs are able to provide recommendations, comments, and proposals to every government agency in D.C. and those agencies are required to consider them, known as the “great weight” requirement (Garrison 2011, 160). ANCs’ are inexpensive, operate on a volunteer-based system, and incorporate civic engagement in a unique and thus far effective way. Any significant deviation from this would either be costly or reduce the power of local democratic governance. The ANCs jurisdiction and responsibilities should not dramatically change.

¹⁵ See Appendix F.

Executive Branch

The executive branch will operate similarly to the current executive branch. The transition from mayor to governor will be virtually seamless because the position of the mayor is already equal to that of a governor. Similarly, the attorney general should operate the same as the positions currently operate. D.C. voters voted in 2010 to elect the attorney general, instead of having the mayor appoint the position (Craig 2013). Attorney general's jurisdiction will not change with statehood; therefore there is no need to alter the position.

The chairman of the council should become the lieutenant governor. The lieutenant governor position was included in the 1982 constitution, but not the 2016 constitution. Forty-four states have lieutenant governors and of the remaining six states that do not, three have similar positions located in the executive branch (Stateside 2017). The benefits of a lieutenant governor are the establishment of a permanent and impartial presiding officer to the legislative chamber and the addition of another leader in the executive branch to provide a check to the governor (Isom 1938, 922). It is vital to the state of D.C. that this position is established because it increases inter-branch cooperation, which is especially important in a one-party system.

The chief financial officer (CFO) has traditionally been appointed by the mayor and confirmed by the council. The 2016 constitution does not change this structure and the 1982 constitution does not mention a head of finances. Opponents to appointing the CFO were vocal at constitutional conventions, citing the risk associated with the governor having the authority to potentially appoint someone who would misuse funds. Those opponents did not appear to consider that the approval required from the legislative branch establish a check to prevent this.

The three alternatives would be to appoint the CFO by the legislature, appoint solely by the governor, or elect by popular vote. The first option is not practical because the House could

nominate someone who does not agree with the governor and create a financial stalemate in the state and it does not provide a sufficient check. The second option is what the opponents of the current process are actually opposing, for this is the appointment that is actually unchecked by another council. The third option is dangerous because the CFO goes from being an objective financial viewer to a financial politician. There is no better alternative to the current method for selecting CFO. In a study on the economic and fiscal ramifications of appointed and elected treasurers, it was concluded that governments that have an appointed CFO tend to have a lower cost of borrowing than governments with an elected CFO (Whalley 2013, 55). The same study also concluded that appointed treasurers produce better outcomes in complicated areas of fiscal policy (Whalley 2013, 69). Therefore, having the Governor appoint the CFO and the legislature confirm the nomination is the most reasonable solution.

The election of the governor and other major positions within the executive branch should occur during the midterm elections to reduce transitions during the presidential election years. These elections should also increase voter turnout during midterms, which are historically less attended (Panagopoulos 2011, 318).

Judicial Branch

Within the judicial branch, the court structure will not change. Judges should continue to be appointed from a list of qualified candidates and confirmed by the legislative body, but instead of this being done by the President and U.S. Senate it should be done by the governor and House of Delegates.

Appointed judgeships make the most sense for D.C. States vary greatly in how judgeships are filled, in some state judges are elected by voters, in others judges are appointed by

the legislature, and in some judges are appointed by the governor (NCSC 2017). There is no empirical evidence to show that there is a difference in the degree of independence between elected and appointed judges, but there is sufficient evidence to conclude that appointed judges provide better quality opinions (Lim 2013, 1393). Another study showed that appointed judges preserve judicial independence better than elected judges (Hanssen 1999, 232). Additional research shows appointed judges come from more educated backgrounds and are less likely to act like politicians than elected judges (Bruhl and Leib 2012, 327). Elected judges must face voters to maintain their positions while appointed judges serve for a longer period.

While it is uncommon for elected judges to act overtly politically, voters are imperfect and do consider political beliefs in voting for judges. In 2010, Iowa voters, upset about a recent court ruling on abortion, voted three Iowa Supreme Court justices out of office (Pitt 2016). In this instance, partisan interest overwhelmed the voters and undermined judicial independence. This is a risk the State of D.C. should not take. The voters would elect the judges that share the same liberal beliefs as themselves and be tempted to vote them out if they make a ruling inconsistent with their values. In a political system with one party, it is crucial for the judicial branch to maintain independence from the partisan branches to truly serve as an impartial check on the laws being passed. Maintaining the Judicial Nomination Commission and having the Governor appoint and the House confirm nominees is the best way to ensure independence of the judiciary.

Name of the Fifty-First State

The name of the State holds significance amongst constituents.¹⁶ Washington, District of Columbia is the given name of the federal district; the State would have to create a new name. In 1982, 53% of D.C. residents voted for the State name to be New Columbia (Public Engagement Process 2016). While that may have been the popular name in 1982 it is far from popular now. There is no overwhelming front-runner amongst residents, but there is a consensus that New Columbia is a horrible name. The opposition comes from the association with Christopher Columbus; an individual who residents do not believe represents the progressive identity of D.C., and a concern about what the postal code would be. North Carolina's postal code is NC and Nebraska uses NE. There are other combinations of letters that the State could use, but rerouting the postal code for a name that residents do not like is unnecessarily costly.

Opponents of the name New Columbia have proposed Anacostia, Washington, D.C., and Douglass Commonwealth. Anacostia, named after the Anacostia River, follows precedent of naming states based on geographic features of the region, but it loses the "D.C." pride that residents have. The second option, Washington, D.C., is an odd choice for the state name. Washington State is fervently opposed to the name Washington, D.C., accusing D.C. of trying to steal their name, despite Washington, D.C. existing well before Washington State (Bush). The third option, Douglass Commonwealth, had the most support at the constitutional conventions. It would be most easily abbreviated to D.C. so postal addresses for District residents would not change. The ode to Fredrick Douglass compliments the history of Washington, D.C. and the

¹⁶ In the constitutional conventions the author attended, a great deal of time was spent by individuals criticizing the names in question and proposing different names compared to the time spent on the content of the constitution. There are also multiple newspaper articles that have seriously discussed the debates.

city's commitment to civil rights and progressive beliefs.¹⁷ While Douglass Commonwealth and the District of Columbia would be separate, the similar name represents a positive relationship between the two jurisdictions. The 2016 Constitution originally had the name of the State as New Columbia but in October 2016 changed the name to Washington, Douglass Commonwealth (Kurzius 2016). Washingtonians, as residents so affectionately call themselves, should not have to forfeit their "D.C. pride" for statehood by having to subject themselves to a different name. The State should be called Douglass Commonwealth.

Bill of Rights

The Bill of Rights should highlight the values of D.C. residents. The bill of rights should be timeless and not restrict the abilities of government officials too concisely. The best way to frame the bill of rights is to combine the Bill of Rights from the 1982 and 2016 constitutions. The 1982 Constitution had twenty-four sections in the bill of rights; over half of the sections came from the U.S. Constitution and the remaining were incredibly restrictive and specific.¹⁸ The protections ranged from basic freedom of speech to the right to employment. The bill of rights also explicitly stated what is and what is not legal in cases of search and seizures and protects the right "to procreate or to bear a child... as is the right to noncommercial private, consensual, sexual behavior of adults".¹⁹ While some may argue that these rights should be protected, this is incredibly odd for a constitution to contain such legislation-like wording. In a complete contrast

¹⁷ This was a focal point of the conversations during the Constitutional Convention on June 16, 2016.

¹⁸ See Appendix G, page 53.

¹⁹ See Appendix G, page 54.

to 1982, the 2016 constitution had ten sections in the bill of rights, identical to what is in the U.S. Constitution.²⁰

The Bill of Rights should clarify what general rights should be protected, and should expand beyond the federal constitution for certain protections that are important to the backbone of D.C. The bill of rights should include the ten articles of the federal bill of rights, freedom from discrimination, and protection of habeas corpus. The acknowledgement of freedom from discrimination resonates with D.C.'s commitment to equality. The protection of habeas corpus is consistent with the bill of rights of many other states.

Additional Elements of the Constitution

This section addresses elements that should be included in the constitution but do not fall under the four main sections of the constitution. This includes state boundaries, ballot initiatives, recall elections, proposing amendments, primary elections, and term limits.

An essential element of the constitution of D.C. is something that is unprecedented for state constitutions: state boundaries so specific they clarify the sides of streets that establish the state. The area carved out by the boundaries would be a smaller District of Columbia. All residential areas will be part of the state while the Supreme Court, Congressional buildings, Naval Observatory, White House and related buildings would stay under federal jurisdiction.²¹ U.S. Census Bureau data from 2010 shows that only 33 people live in the area that will become the federal triangle (Downs 2011). These few residents include the President and first family, who maintain residency in their home states as well as other federal employees who have legal voting residence in their home states. If there are citizens who live in the area that is the new

²⁰ See Appendix H, page 96.

²¹ See Appendix G, page 78.

District of Columbia and are only residents of that area, exceptions should be made to include them as residents of the state.

The ballot initiative, recall election and amendment processes should require a large percentage of voters to pass. In a normal political system where there is bipartisan political competition, achieving a simple majority usually involves compromise. Bipartisan competition serves as a check on the proposals. D.C. lacks bipartisan balance so there is a risk that these proposals do not serve in the best interest of the state, but have a short term or partisan appeal that clouds the voting process. To prevent a misuse of these processes, the level of support should be greater than in other states to. There should be a 2/3 voting majority for every initiative, recall, or amendment proposal to try to provide a check on changes to the government and constitution. This means that for a proposal to pass, there has to be widespread support for the measure, which will act as a check in lieu of an additional political party.

To further create checks and balances for the overwhelmingly Democratic government that exists, and will exist in D.C. for a long time, the primary elections should change from open to closed. In a closed primary system, voters can only vote for candidates in the same party they are registered as. In D.C., this means registered Independents and Republicans do not get to vote in the elections that ultimately decide who the candidates will be in the November election. This reduces the voice of non-Democrats and should be corrected when D.C. becomes a state. Increasing bipartisan involvement in reality would correct the undemocratic voting process that many Republicans and Independents are subject to and overtime should help increase bipartisan participation in the government. While this is uncommon for a constitution to include, it should be included in the constitution for D.C. because it is both the right thing to do for D.C.'s

residents and the government would never pass this as a bill because no politician would realistically support a bill that would potentially make it harder for them to get reelected.

In theory term limits are sensible but in reality they would be a mistake for D.C. The 1982 constitution called for the governor and lieutenant governor to be limited to serving two consecutive terms but the 2016 constitution did not.²² This was done as an attempt to combat the trend of lifetime politicians that work in the D.C. government. A comprehensive study of term limits was conducted in 2006 and the research concluded that term limits impact behaviors and priorities of the legislators (Carey et. al 2006, 128). Term limits make politicians less open to constituency concerns, because their positions have an expiration date. Legislators with term limits become less beholden to their constituency and more attuned to other concerns. Additionally, in a system with term limits, the majority party loses power as the Governor and his cabinet exert more influence over the legislative process (Carey et. al 2006, 129). D.C. needs to preserve as many checks and balances as possible until healthy bipartisan competition develops. Therefore, term limits are unnecessary.

A Course of Action for Statehood

The constitution proposed in Section IV represents the ultimate goal of statehood, but as history has shown just because a constitution is written does not mean Congress sees to it that it becomes law. More than just preparing a constitution, the D.C. statehood movement needs to organize a realistic pathway to achieving statehood. The steps necessary to achieve statehood are not an extraordinary deviation from how the organizations for statehood currently operate, they are merely steps that have yet to be identified and actions that have yet to be taken. This section

²² See Appendix G, page 61.

will examine the current congressional climate and the realities of the partisanship of D.C. to establish a plan for achieving statehood.

D.C. Partisanship and Implications

Washington, D.C. is one of the most politically polarized cities in the United States. The Democratic Party holds the über-majority in every level of the government. In the 2016 Presidential Election, 91% of D.C. voters voted for Democratic Candidate Hillary Clinton, and just 4% for Republican Candidate Donald Trump (D.C. BOE 2016). Realistically, the Republican Party will not support statehood because it would guarantee three Democratic votes in Congress. In order for a statehood bill to have a genuine shot at getting passed by Congress, either the Republican Party would have to grow within the City, or Congress and the White House need to become majority Democratic.

The first option, growing the Republican Party, is not realistic. It would take decades to implement because it would require brining in new residents and establishing a new party and then growing the party. This is unrealistic because people tend to choose areas to live in that are composed of people with similar political views (Bishop and Cushing 2009, 5) and trying to convince people to move to a city where they will be the minority party is impractical. However, if somehow this did happen, D.C. would then have to convince the Republican Party to support statehood and even lobby to include it in the Party's platform, which is not guaranteed to happen, or if it could happen, would take many years. This should not be explored as a viable option.

The second option, waiting for Democratic majorities in the federal government is far more realistic because every few election cycles it occurs, therefore the timeline is much shorter than the first option. It is also realistic considering statehood is included in the Democratic

Party's 2016 Platform and there are over 100 co-sponsors for the current bill for statehood in the House. However, waiting for Democratic majorities simply is not enough. The 1993 statehood vote showed that just having Democratic majorities does not guarantee a successful vote. The verbal support President Obama gave for statehood in 2008 also showed to be insufficient for any change. The statehood movement needs to implement a strategic plan to generate strong active local support and create a national conversation about the issue before the Democrats hold the majority in Congress and reclaim the White House.

To succeed in statehood, D.C. residents will have to persuade Congress to pass a bill and convince the President that it is a good idea. To do this, the statehood movement needs to converge and agree on a specific course of action, grow locally and expand nationally. Once these three steps are achieved, the chances of success are exponentially increased.

Agreeing on a Course of Action

There are numerous local statehood organizations that should converge to create a united voice. The current movement is a combination of D.C. Statehood Green, D.C. Vote, Neighbors United for D.C. Statehood, D.C. for Democracy, and Free D.C., just to name a few. These groups differ in whether or not they support statehood or just voting representation in Congress and the groups that agree on ultimate goals do not all agree on a pathway to achieving their goals or what the end result should look like. Despite these differences, the groups do share fundamental values and have the same passion for D.C. rights, but it is confusing and taxing for residents to spend the time to understand what the purpose of each tiny movement is. By creating a collective identity and joining forces with the D.C. government, the statehood movement will have more resources to lobby locals and politicians.

Once the movement agrees on one goal and one agenda, it will be easier for D.C. residents to understand the objectives and to become members of the organization. Seeing as how the 2016 referendum on statehood had a record high percentage of support, it should not be hard to convince residents to put up yard signs, posters, or bumper stickers to support the cause. Similar to how the addition of “Taxation without Representation” on license plates in 2000 generated some media attention, expanding the movement and posting signs wherever possible will create local support, media attention, and even congressional conversation about the new statehood movement.

Beyond these displays of support, residents and politicians should talk to anyone who will listen about the need for Washington, D.C. to become a state to spread the conversation beyond D.C. Most people outside of D.C. are unaware of how D.C. is governed and controlled by Congress (Freed 2016). Informing individuals beyond the D.C. area has the potential to make them care about the surprisingly undemocratic treatment of the Washingtonians they know and could convince them to send letters to their congressmen or sign petitions urging them to support statehood. Even if there is little support outside of the D.C. area, the momentum that will be generated within the movement will be greater than any momentum seen in previous attempts. This is because the movement will be well planned and truly unified.

All of the steps and factors detailed above will make it more likely for a statehood bill to pass Congress than ever before. The 2016 Democratic Party’s platform includes statehood yet again, the mayor of the city cares about statehood in a way no previous mayor has cared, the smaller statehood organizations will agree to unify themselves for the greater good, and residents will easily be able to become involved in the unified group and increase awareness. D.C. politicians will have to make sure the Democratic Party’s platform maintains support for

statehood. There is already a significant number of Democrats in the House who supported the statehood bill in the 115th Congress and previous years show there is Senate support. The Democratic president will support the bill given it is consistent with his Party's platform. Ultimately, the driving factors in congressional support will be a mix of successful lobbying from D.C., persuasion from the co-sponsors of the bill, and pressure from the Democratic Party.

Conclusion

Achieving statehood is easier said than done but this plan incorporates the elements that were successful in previous attempts and examined what contributed to the failures of past movements and corrected them to reduce failures. Since D.C. was created, D.C. residents have not tried to use their power of the local government to even suggest threatening the autonomy of the federal government. The movement should make clear that supporting statehood for Washington, D.C. means supporting American values and the fundamental rights to federal representation and self-governance. Showing support acknowledges that home rule no longer makes sense for D.C. and Americans should be trusted to govern themselves without unnecessary oversight by the federal government.

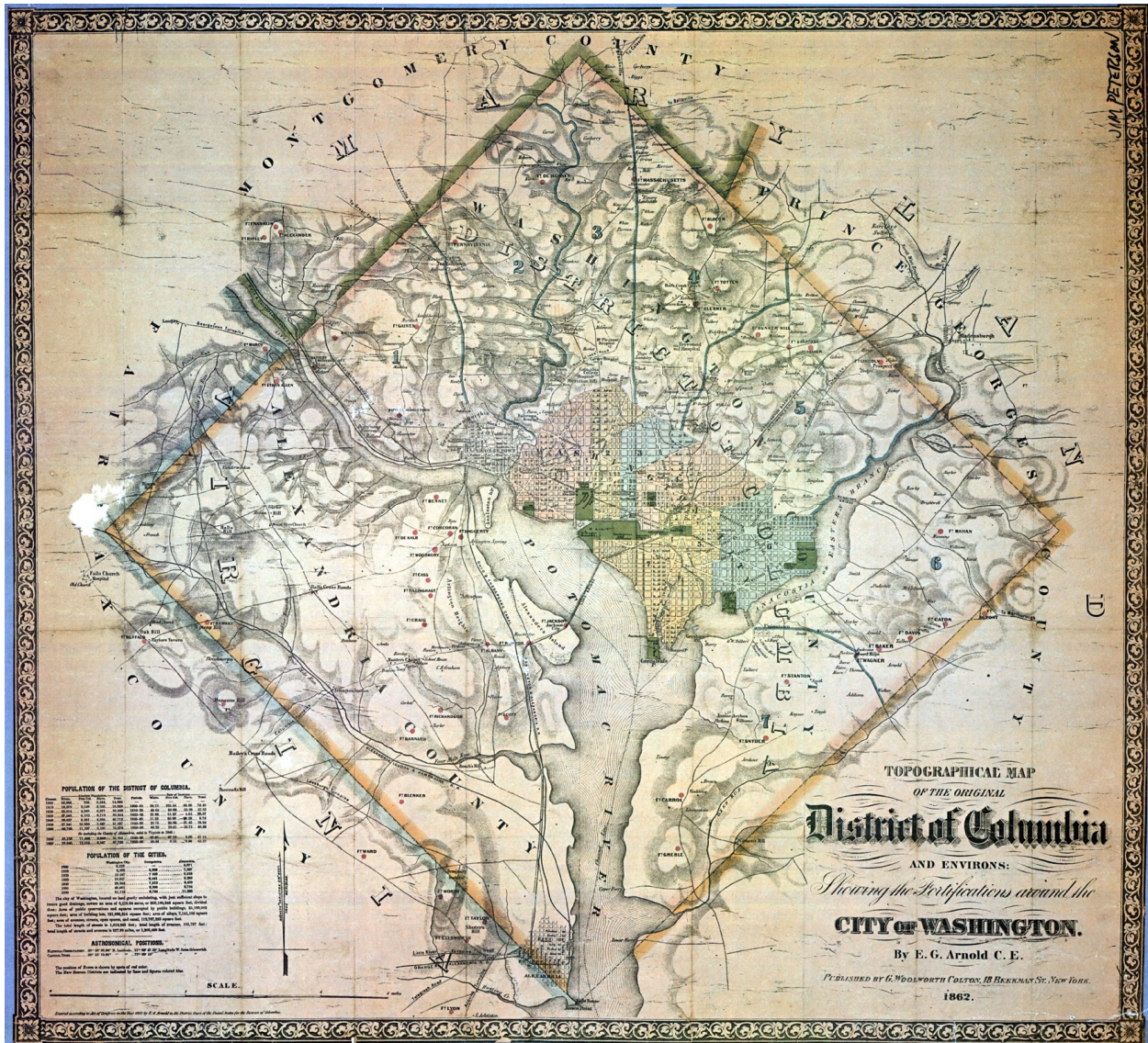
While statehood means terminating the power Congress has over D.C., it should in no way be interpreted to mean that the two jurisdictions would cease working together on issues of policing and supporting one another. There will be a unique relationship between the fifty-first state and the smaller sized Washington, District of Columbia. This relationship will be similar to the relationships between the federal government and states that are home to federal headquarters, like Virginia for the CIA and Pentagon, and Maryland for the National Institutes of

Health. The State of D.C. and the federal government will work together on shared issues and support each other when necessary.

A region with a population greater than two states is being denied constitutionally deserved rights and there is very little conversation nationally about this injustice. Despite a complex history and multi-tiered pathway for achieving statehood, D.C. statehood is truly a common sense issue that at its most fundamental level should continue to gain support until statehood is achieved.

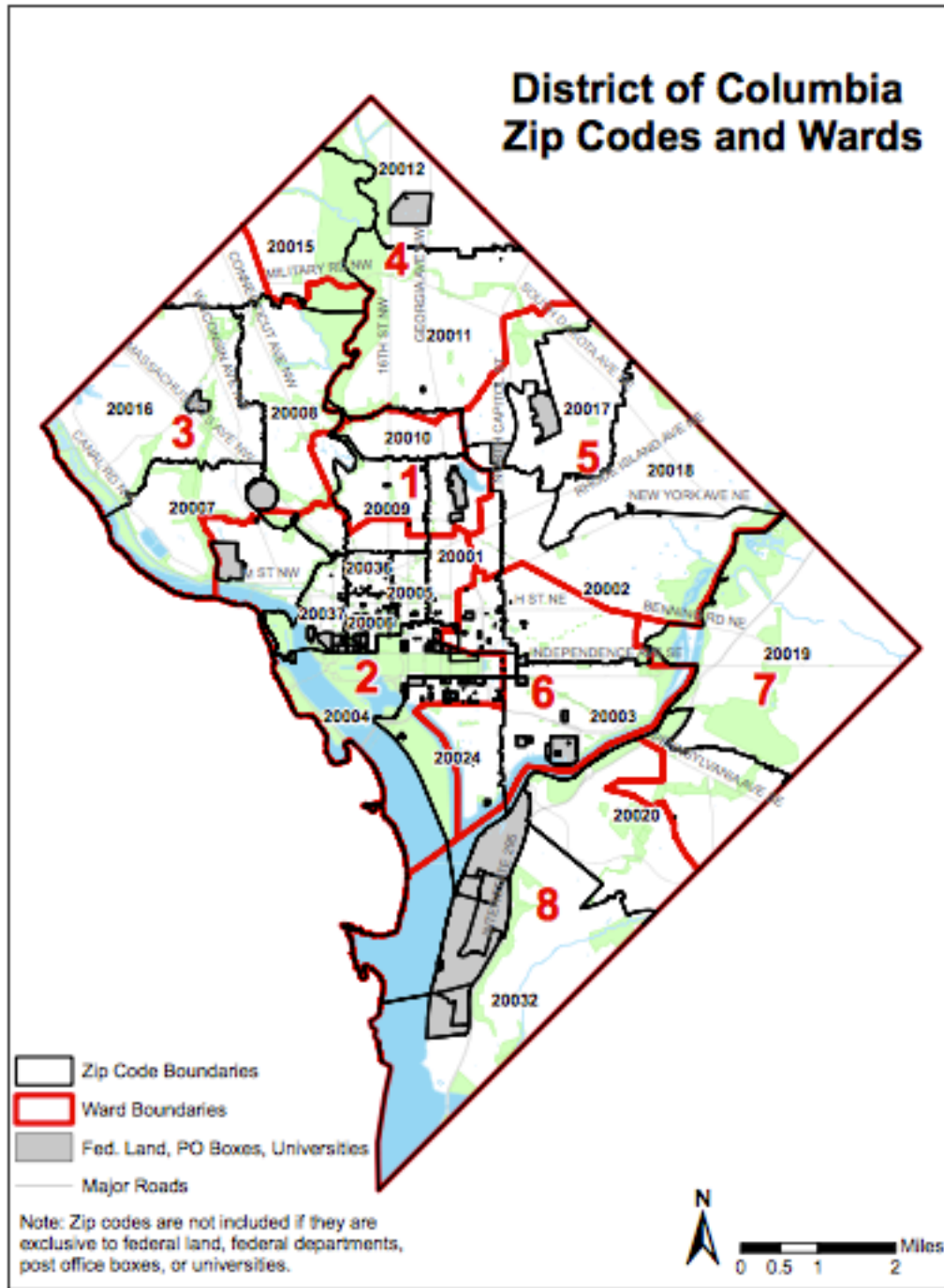
Appendix

Appendix A: Map of the District of Columbia including Alexandria County.



Source: Arnold

Appendix B: Current Map of District of Columbia by Zip Codes and Wards.

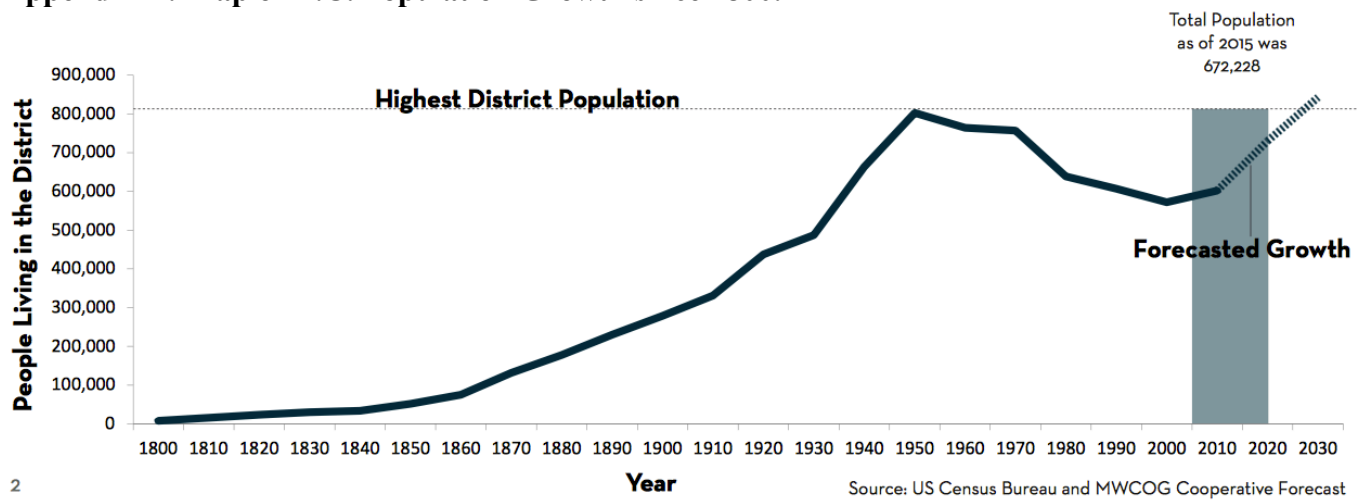


Appendix C: New License Plates for Washington, D.C..



Source: Sells

Appendix D: Map of D.C. Population Growth since 1800.



Source: Flores

Appendix E: Statehood Referendum from November 8, 2016. This measure passed 78.48% of the vote.

A RESOLUTION

21-570

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 12, 2016

To approve the submission of a proposed advisory referendum to the District of Columbia Board of Elections, for inclusion on the ballot for the general election to be held on November 8, 2016, that asks the electorate whether the Council should petition Congress to enact a statehood admission act to provide for the State of New Columbia to be declared to admitted to the Union and whether the Council should approve a state constitution.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Advisory Referendum on the State of New Columbia Admission Act Resolution of 2016”.

Sec. 2. (a) Pursuant to section 412(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(b)), the Council hereby approves an advisory referendum, which shall ask the voters whether the Council should petition Congress to enact a statehood admission act to provide for the State of New Columbia to be declared admitted to the Union and whether the Council should approve a state constitution.

(b) The advisory referendum shall read as follows:

“ADVISORY REFERENDUM”

Short Title

“Advisory Referendum on the State of New Columbia Admission Act Resolution of 2016”.

Summary Statement

To ask the voters on November 8, 2016, through an advisory referendum, whether the Council should petition Congress to enact a statehood admission act to admit the State of New Columbia to the Union. Advising the Council to approve this proposal would establish that the citizens of the District of Columbia (“District”) (1) agree that the District should be admitted to the Union as the State of New Columbia; (2) approve of a Constitution of the State of New Columbia to be adopted by the Council; (3) approve the State of New Columbia’s boundaries, as adopted by the New Columbia Statehood Commission on June 28, 2016; and (4) agree that the State of New Columbia shall guarantee an elected representative form of government.

Shall the voters of the District of Columbia advise the Council to approve or reject this proposal?

YES, to approve _____

NO, to reject _____

Sec. 3. The District of Columbia Public Library shall make drafts of the state constitution and the State of New Columbia's proposed boundaries available for public inspection at every branch.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

This act shall take effect immediately upon the first date of publication in the District of Columbia Register.

Source: D.C. Council. Resolution 21-570

Appendix F: Combinations of District and At-Large Representatives needed to create a majority in the current legislature versus the proposed size. In a 24-member legislature, a greater number of district representatives or at-large representatives must support the measure for a simple majority. This will reduce the risk of bills passing through the legislature that unfairly target a few districts at the expense of many.

Current Legislature (13 members, 7 votes for simple majority)		Proposed Legislature (24 members, 13 votes for simple majority)	
Ward Representatives	At-Large Representatives	District Representatives	At-Large Representatives
7	0	13	0
6	1	12	1
5	2	11	2
4	3	10	3
3	4	9	4
		8	5
		7	6
		6	7
		5	8

Appendix G: 1982 Constitutional Proposal.

PREAMBLE

We, the people of the free and sovereign State of New Columbia, seek to secure and provide for each person: health, safety and welfare; a peaceful and orderly life; and the right to legal, social, and economic justice and equality.

We recognize our unique and special history and the diversity and pluralism of our people, and we have determined to control our collective destiny, maximize our individual freedom, and govern ourselves democratically, guaranteeing to each individual and the people collectively, complete and equal exercise and protection of the rights listed herein.

We reach out to all the peoples of the world in a spirit of friendship and cooperation, certain that together we can build a future of peace and harmony.

Therefore, being mindful that government exists to serve every person, we do adopt this Constitution and establish this government.

ARTICLE I. BILL OF RIGHTS

Section 1. Freedom of Association, Assembly, Expression, and Petition. Freedom of association, assembly, press, speech, and other forms of expression, and petition for redress of grievances shall not be abridged.

Section 2. Freedom of Religion. The State shall establish no religion nor interfere with the free exercise thereof. No person shall be denied any right or privilege because of religious belief or the exercise thereof.

Section 3. Freedom from Discrimination. Every person shall have a fundamental right to the equal protection of the law and to be free from historic group discrimination, public or private, based on race, color, religion, creed, citizenship, national origin, sex, sexual orientation, poverty, or parentage. Affirmative action to correct consequences of past discrimination against women, and against racial and national minorities, shall be lawful.

Persons with disabilities shall have the right to be treated as equal community members and the right to services as defined by law provided in a way that promotes dignity and independence and full community participation.

Youth and seniors shall have the right to the enjoyment of health and well-being and to the services as provided by law necessary for their development and welfare. No adult shall be discriminated against in housing or employment on the basis of age, except that services limited to senior citizens may be provided.

It shall be unlawful to commit or incite acts of violence against persons or property based on race, color, religion, creed, national origin, sex, or sexual orientation.

Equality of rights under the law shall not be denied or abridged in the State or any of its subdivisions because of sex.

This section shall be self-executing and shall be enforced by appropriate legislation.

Section 4. Privacy. The right of the individual to decide whether to procreate or to bear a child is inviolable, as is the right to noncommercial private, consensual, sexual behavior of adults. Those who exercise or advocate these rights have, in addition, the right to be free from all forms of discrimination.

Political surveillance is contrary to democratic principles. Therefore, unless relevant for prosecution of past, present, or imminent crime, information on any person's exercise of freedom of religion, expression, association, assembly, or petition for redress of grievances, shall not be collected surreptitiously under color of law.

Individual privacy with respect to personal bank accounts, health, academic, employment, communications, and similar records, the disclosure of which would constitute an invasion of the privacy of the individual concerned, is a right, the protection of which shall be provided by law. However, the name, salary, and place of employment of each employee of the State and of any of its agencies or local government units is a matter of public record and shall be available to the public.

Section 5. Due Process. The State shall not deprive any person of life, liberty, or property without due process of law. The right of all persons to fair and just treatment in the course of legislative and executive investigations shall not be abridged.

Section 6. Searches and Seizures. Privacy is a fundamental right. Therefore, the people shall be free from unreasonable searches and seizures of their persons, homes, businesses, vehicles, papers, and effects. This right extends to all places and for all circumstances in which the individual has a reasonable expectation of privacy. The fruits of unlawful intrusions, including intrusions by private persons, shall not be used by the State for any purpose in any judicial or administrative proceeding against any individual, whether or not the individual was the target of an unlawful search or seizure, and whether or not the expectation of privacy of that individual was violated.

No search will ensue except under the authority of a valid warrant issued by a judicial officer; such warrant shall be issued only upon probable cause and must be supported by oath or affirmation describing with particularity the place to be searched and the persons or items to be seized. This Section does not preclude warrantless searches or seizures in the following circumstances: searches incident to a valid arrest; exigent circumstances under which officials conducting the search or seizure have no time to secure a warrant; inadvertent discovery of illegal material pursuant to the execution of a valid search warrant; searches and seizures conducted at international borders or their functional equivalent; administrative searches of pervasively regulated businesses pursuant to a general plan; and searches upon the consent of the individual who is the subject of the search or seizure, provided that the individual had been fully

informed of the right to withhold consent, and no other exception to this Section is present. The official conducting the search bears the burden of proving fully informed consent.

The right to be secure against unreasonable interception of telephonic, telegraphic, electronic, and other forms of communication and against unreasonable interception of oral and other communications by electronic methods shall not be violated. No such interception shall occur except following issuance of a warrant. No orders or warrants for such interceptions shall be issued but upon probable cause supported by oath or affirmation that evidence of crime may be thus obtained, and particularly identifying the means of communication and the person or persons whose communications are to be intercepted. Evidence obtained in violation of this paragraph shall not be admissible in any court against any person.

Section 7. Rights of Arrestees and Defendants. In all criminal matters, all persons have the right to the assistance of competent counsel from commencement of a custodial interrogation, during trial and appeal, and whenever they are subject to a deprivation of liberty. When arrested they shall be informed of their right to consult with counsel. Persons charged with a crime have the right to receive an explicit statement of the nature and cause of the accusation, to the discovery of all evidence possessed by the State, and to the presumption of innocence until proven guilty beyond a reasonable doubt. Convicted persons shall have the right to judicial review.

Section 8. Grand Jury. All persons have the right to be free from unwarranted or arbitrary prosecutions. The grand jury shall not engage in fishing expeditions. Grand jury indictments are required for all offenses carrying authorized prison sentences of one year or more. Grand jurors shall be drawn from a cross-section of the community. All grand jury witnesses shall have the right to assistance and presence of counsel, to be informed of the privilege against self-incrimination, and to be advised if they are, or may become, targets of prosecution. Criminal defendants are entitled to grand jury transcripts in a timely fashion.

The grand jury shall appoint and the State shall pay non-governmental counsel for independent advice. Indictments shall be issued only on probable cause and shall, upon motion, be dismissed for violations of this Section.

The House of Delegates shall determine the manner of grand jury selection and operation.

Section 9. Bail. The sole purpose of bail is to assure the presence of the accused at trial. Bail shall not be excessive and may take the form of a cash or property guarantee.

Section 10. Trial by Jury. Every person accused of a criminal offense is guaranteed the right to: a speedy, public, and fair trial; compulsory attendance of witnesses; confrontation with adversary witnesses; and trial by a jury of 12 persons. Conviction may be based only upon a unanimous jury verdict finding the accused guilty beyond a reasonable doubt.

Section 11. Punishment. The State shall not require excessive fines, nor impose cruel, corporal, or unusual punishment, or sentence of death. Penal administration shall be based upon the principle of reformation with the objective of restoring the offender to a useful role in

community life. Convicted persons shall not be denied any rights specified in this Constitution except as shall be reasonably necessary for the security of a penal institution or the State and its citizens.

Section 12. Imprisonment for Debt. No person shall be imprisoned for inability to pay a debt.

Section 13. Double Jeopardy. No person shall be tried more than once for the same offense; further, the State shall try in a single trial all charges, actual and potential, arising from the same facts and circumstances. Trial of a person for an offense in any jurisdiction of the United States and subsequent trial under the jurisdiction of the State for the same offense based on the same set of facts and circumstances shall constitute double jeopardy under this Section.

Section 14. Bills of Attainder and Ex Post Facto Laws. Bills of attainder and ex post facto laws are prohibited.

Section 15. Habeas Corpus. The writ of habeas corpus shall be available promptly at all times, successively, and without limit in all cases of unlawful detention, conviction, or sentencing, whether or not the petitioner is in custody.

Section 16. Abolition of Common Law Criminal Offenses. Every crime shall be defined with specificity in a statute enacted by the House of Delegates, and no person shall be accused, arrested, tried, or convicted for any act not expressly defined as an offense by such statute. This Section shall take effect after the expiration of a time period to be specified by law.

Section 17. Abolition of Sovereign Immunity. Unless otherwise provided in this Constitution, the State and any of its subordinate levels of government, and any branch, agency and office thereof, and any officer or agent thereof in both official and personal capacity, shall be amenable to suit and liability in the courts of this State or of the United States, with respect to official acts both of commission and omission, including the failure, inability, or refusal by law enforcement agencies of the State to provide reasonable protection to individuals from crimes of violence; except that, no judge of any court may be sued with respect to a decision rendered in any case, but may be questioned and required to testify as to issuance of any warrant.

Section 18. Slavery and Involuntary Servitude. Slavery and involuntary servitude are prohibited.

Section 19. Civil Suits. The right to a jury trial in a civil suit shall remain inviolate. The House of Delegates shall assure access to courts for those litigants unable to pay. Court costs shall not be required of any litigant unable to pay.

Section 20. Right to Employment. Every person shall have the right to employment, or if unable to work, an income sufficient to meet basic human needs.

Section 21. Equal Pay. All employees shall be guaranteed equal pay for equal work and equal pay for comparable work.

Section 22. The Right to Change. The State with its institutions belongs to the people who inhabit it. Whenever a government fails to serve its people, they may exercise their inalienable right to alter, reform, or abolish it.

Section 23. Unenumerated Rights. The enumeration in this Constitution of certain rights possessed by the individual or limitations upon the government shall not be construed to disparage nor deny other rights or limitations not enumerated.

Section 24. Self-Execution. All Sections of this Article shall be self-executing.

ARTICLE II. THE LEGISLATIVE BRANCH

Section 1. Legislative Power. The legislative power of the State shall be vested in the legislature, which shall be called the House of Delegates.

Section 2. Composition of the House of Delegates. The House of Delegates shall have one chamber composed of 40 members who are elected from single-member legislative districts. By majority vote of the Delegates present and voting, the House of Delegates shall elect a President from among its members.

Section 3. Qualifications of Members. A candidate for the House of Delegates must be a citizen of the United States. To become a Delegate, a candidate must receive the highest number of votes on the designated day of election from the qualified voters of the legislative district.

A Delegate must be at least 18 years old, a resident of the State for at least three years, a resident of the legislative district for at least 18 months, and a registered voter of that district. Every Delegate must reside in the legislative district while in office.

Section 4. Disqualifications. While in office, no appointed or elected Delegate may hold any other federal or state elected or appointed public office, position of profit, or employment. During the term of office, no member shall be elected or appointed to any public office or employment which shall have been created, or the salary or benefits of which shall have been increased, by legislative act during such term. This Section does not apply to Delegates seeking re-election, or election to a constitutional convention.

Section 5. Term in Office. A Delegate shall be elected for a four-year term.

Section 6. Time of Election. In general elections, half the Delegates will be elected in every even-numbered year. Following their election, winning candidates shall assume office on the second Monday of January.

Section 7. Vacancies. Legislative vacancies shall be filled as provided by law.

Section 8. Compensation of Members. The members of the House of Delegates shall receive annual salaries and such allowances as may be prescribed by law. However, any increase or

decrease in salary or allowances shall not apply to a Delegate serving in the House of Delegates which enacted the increase or decrease until the re-election of that Delegate.

The Governor shall appoint, subject to the advice and consent of the House of Delegates, members of a five-member commission. Every four years, this commission shall report to the public the level of legislative compensation that is appropriate, taking into account comparable compensation in the public and private sectors. The members of the commission shall hold no other public office. Procedures for the establishment and operation of the commission shall be established by law.

Section 9. Sessions. The House of Delegates shall be a continuing body during the term for which Delegates are elected; however, all unapproved pending bills shall expire automatically on the second Monday in January of each odd-numbered year. The House of Delegates shall meet in regular sessions annually, as provided by law. It may also be convened by the Governor, subject to the conditions of Article III, or by the President of the House of Delegates at the written request of a majority of all Delegates.

Adequate advance notice of all meetings of the House of Delegates and of its committees shall be published. The notice shall include the agenda. All meetings of the House of Delegates and of its committees shall be open to the public, to the press, and to radio and television coverage. However, meetings involving confidential discussions of specific staff personnel may be closed by a two-thirds vote of the House of Delegates or the committee.

Section 10. Organization and Procedure. The courts shall be the final judge of the election and qualifications of Delegates. The House of Delegates shall prescribe its rules of procedure which shall be consistent with this Constitution. It may compel the attendance of absent members, discipline its members, and, with the concurrence of two-thirds of all members, expel a member for cause. It shall have power to compel the attendance and testimony of witnesses and the production of books and papers either before the House of Delegates as a whole or before any of its committees.

Section 11. Legislative Immunity. For any speech or debate in the House of Delegates, Delegates shall not be questioned in any other place.

Section 12. Transaction of Business. A majority of all Delegates shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members. The House of Delegates and its committees shall keep journals of proceedings. Each journal shall be available to the public and shall also be promptly published. The journal shall contain all motions made and the votes on those motions. A record vote, with the yeas and nays entered into the journal, shall be taken in the House of Delegates on any vote deciding final passage or defeat of a bill, on any vote to defer consideration of a question indefinitely, and on any vote on the demand of four members. In committee, upon demand of any member, or on any vote deciding final approval of a report, the yeas and nays shall be recorded and entered into the journal.

A verbatim or electronically produced record of proceedings of the House of Delegates and of standing committees shall be made available to the public on request.

Section 13. Committees. The House of Delegates may establish committees necessary for the conduct of its business.

Section 14. Bills. The House of Delegates shall enact no law except by bill. The subject of every law shall be clearly expressed in its title. Each law shall have an enacting clause as follows: "Be it enacted by the people of the State of New Columbia." No bill embracing more than one subject shall be passed except appropriation bills which shall include only appropriations and bills for the codification or revision of the laws. All laws shall be published. Whenever a law or section of law is amended, it shall be re-enacted and republished. Every law shall be plainly worded.

Section 15. Passage of Bills. No bill shall become law unless

(a) a majority of the entire House of Delegates has approved it in identical form on two occasions at least 13 calendar days apart and the bill had been printed and distributed at least three calendar days in advance on both occasions; or

(b) the Governor has certified that prompt passage, precluding a time lapse of 13 days, is essential, and a majority of all Delegates approve the bill.

Section 16. Approval or Veto. All bills approved by the House of Delegates, except those relating solely to legislative procedure, shall be presented to the Governor for signature or for veto. The Governor may, by veto, strike items in appropriation bills. The Governor shall veto other bills only as a whole. The Governor shall promptly return any vetoed bill or item of appropriation to the House of Delegates with a statement of objections. A bill shall become law if the Governor either signs it or does not veto it within 15 days of presentation.

Section 17. Legislative Action Upon Veto. Upon receipt of a veto, the House of Delegates shall promptly reconsider passage of the vetoed bill or appropriation item. Such a bill or item requires only one reading. A vetoed bill shall become law by the affirmative votes of two-thirds of all Delegates, except that a veto of an appropriation bill or item shall be overridden by the affirmative votes of two-thirds of the Delegates present and voting.

If the House of Delegates is not in session when a bill or item is vetoed, the House of Delegates may consider the bill or item at its next regular or special session.

Section 18. Effective Date of Laws. No law shall take effect earlier than 90 days after enactment except laws declared to be emergency laws and laws which under this Constitution are not subject to referendum. An emergency law shall contain a preamble setting forth the facts constituting the emergency and a statement that the law is necessary for the immediate preservation of the public peace, health, safety, or convenience. A separate recorded vote shall be taken on the preamble, and unless the preamble is adopted by two-thirds of the members of the House of Delegates present and voting, the law shall not be an emergency law.

Section 19. Auditor. The House of Delegates shall appoint an auditor to serve for six years or until a successor has been appointed. By a two-thirds vote of all Delegates, the House of

Delegates at any time may remove the auditor from office for cause. Each year the auditor shall conduct a thorough audit of all State government accounts and operations and shall submit these audit reports to the Governor and to the House of Delegates. The House of Delegates shall make available these reports and distribute summaries to the public.

Section 20. Impeachment. Any executive official elected or appointed with legislative consent is subject to legislative impeachment for cause as may be provided by law.

Impeachment shall originate in the House of Delegates and must be approved by the affirmative votes of two-thirds of all Delegates.

The motion for impeachment shall state the reasons for the proceeding.

Trial on impeachment shall be conducted by the House of Delegates in accordance with procedures provided by law. A Justice of the Supreme Court shall preside at the trial.

Conviction requires the affirmative votes of two-thirds of all Delegates.

The judgment on conviction may not extend beyond removal from office and disqualification to hold and enjoy any state office of honor, trust, or profit but shall not prevent proceedings in the courts on the same or related charges.

Section 21. Code of Ethics. The House of Delegates shall enact conflict-of-interest legislation which shall apply to all elected and appointed State and local candidates for and officials in the executive, legislative, and judicial branches of government. The conflict-of-interest legislation shall include, but not be limited to, requirements for mandatory annual disclosure by public officials of economic interests and sources of income. A Delegate who has personal or private interests, as defined by law, in any proposed or pending bill, shall disclose this fact to the presiding officer and shall not vote on that bill.

ARTICLE III THE EXECUTIVE BRANCH

Section 1. Executive Power Vested in the Governor. The executive power of the State shall be vested in the Governor, who shall be responsible for the faithful execution of the laws.

Section 2. The Lieutenant Governor. There shall be an elected Lieutenant Governor whose primary duties shall be prescribed by law.

The Lieutenant Governor shall serve as Governor during any period of gubernatorial disability as determined by the Supreme Court. The Lieutenant Governor shall exercise only those administrative duties necessary for the continued and efficient functioning of the State until the Governor either resumes office or is replaced in a special election.

Section 3. The Attorney General. There shall be an Attorney General appointed by the Governor, with the advice and consent of the House of Delegates, for a term of four years. The

Attorney General shall be the chief legal officer of the State and shall have responsibility for advising the Governor on legal questions, prosecuting offenders, and representing the State in all legal matters.

Section 4. Election of Governor and Lieutenant Governor. (A) *Election* The Governor and the Lieutenant Governor shall be elected by direct popular vote at the regular elections in Presidential election years. Their term shall be four years, beginning on the second day of January following their election.

(B) *Voting* Candidates for Governor and Lieutenant Governor shall run in pairs for whom a single vote shall be cast. The pair of candidates having the highest number of votes shall be elected Governor and Lieutenant Governor. In case of a tie between two or more pairs of candidates, a runoff election shall be held.

(C) *Re-election* A person who has served two consecutive terms of office as Governor or as Lieutenant Governor shall be ineligible for re-election to the same office for the term immediately following.

(D) *Qualifications* The Governor and the Lieutenant Governor must be at least 30 years old upon assumption of office, citizens of the United States, and residents of the State for at least five years. They shall hold no other public office or regular employment.

Section 5. Powers of the Governor. (A) *Administration* The Governor shall control the administration of the Executive Branch. With the advice and consent of the House of Delegates, the Governor shall appoint the heads of all principal departments, and administrative offices and agencies whose appointment or election is not otherwise provided. The Governor may at any time require information, in writing or otherwise, from the officers of any administrative department, office, or agency concerning any subject relating to their offices. The Governor may remove any gubernatorially appointed official of the Executive Branch.

(B) *Commander-in-Chief* The Governor shall be Commander-in-Chief of the armed forces of the State, and may call out such forces to execute the laws.

(C) *Executive Clemency* The Governor shall have power to grant reprieves, commutations, and pardons, after conviction, for all offenses, subject to such procedures as may be prescribed by law. A parole system shall be provided by law.

(D) *Legislative Power* On extraordinary occasions, the Governor may convene the House of Delegates by a proclamation which shall state the purposes for which the session is convened. When so convened, the House of Delegates shall not legislate on any subject not specified in the proclamation, except to provide for the expenses of the session and other incidental matters. The Governor may convene the House of Delegates at some other place if the security of the seat of government is threatened.

The Governor shall present a message to the House of Delegates at the beginning of each session. At other times the Governor may inform the House of Delegates of the affairs of the State and may submit legislative recommendations.

(E) *Judicial Powers* The Governor shall appoint Justices and Judges as provided for in this Constitution.

Section 6. Budget. At a time fixed by law, the Governor shall submit to the House of Delegates a budget for the next fiscal period.

Section 7. Principal Departments. (A) *Limitation* All offices and agencies of the Executive Branch shall be allocated by law among not more than 20 principal departments which shall be grouped as far as practicable according to major purposes. For this limitation the offices of Governor, Lieutenant Governor, Attorney General, and the governing bodies of institutions of higher education provided for in this Constitution shall not be counted.

(B) *Reorganization* The Governor may make changes in the organization of the Executive Branch or in the assignment of functions among its units in order to improve the administration of government. If such changes require amendments to existing law, they shall be set forth in Executive Orders, which shall be submitted to the House of Delegates at least 60 days before the end of the regular session, shall have the force of law, and shall become effective 60 days after submission, unless specifically modified or disapproved by a resolution concurred in by a majority of all the members of the House of Delegates.

Section 8. Boards and Commissions. (A) *Appointments* With the advice and consent of the House of Delegates, the Governor may appoint members of boards and commissions. The terms of office and procedures for removal of such members shall be as prescribed by this Constitution or by law.

(B) *Establishment* Boards and commissions may be established by law unless otherwise provided in this Constitution.

(C) *Membership* Not all members of any board or commission shall be members of the same political party.

Section 9. Advice and Consent to Appointments. An appointment subject to the advice and consent of the House of Delegates requires a majority vote of all members of the House of Delegates.

Section 10. Vacancies. (A) *State Officials* The Governor may make an interim appointment to fill a vacancy occasioned by the death, resignation, suspension, or removal of an appointed or elected officer, other than a legislative or judicial officer, until the officer is reinstated or the vacancy is filled in the manner prescribed by law or this Constitution. A person whose appointment to an office has been disapproved by the House of Delegates, shall not be eligible for an interim appointment to that office.

(B) *United States Senators* In the event of a vacancy in the office of United States Senator or Senator-elect, the Governor may appoint a person who possesses the necessary qualifications to hold the office until the next regularly-scheduled general election at which the vacancy can practicably be filled or the expiration of the term, whichever is sooner.

(C) *Implementation* The House of Delegates shall implement this Section by appropriate legislation.

Section 11. Compensation. The Governor and the Lieutenant Governor shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during their terms of office. Such compensation shall not be diminished during the term of office.

Section 12. Executive Residence. A suitably furnished executive residence may be provided within the State for the use of the Governor. The Governor shall receive an allowance for its maintenance as provided by law.

Section 13. Succession to the Governorship. (A) *Governor* If the Governor dies, resigns, is removed from office, or is determined by the Supreme Court to be permanently disabled, the Lieutenant Governor and other persons in a sequence prescribed by law shall become Governor for the remainder of the term of the Governor.

(B) *Governor-elect* If the Governor-elect dies, or is determined by the Supreme Court to be permanently disabled, the Lieutenant Governor-elect, and other persons in a sequence prescribed by law shall become Governor at the commencement of the term of the Governor-elect.

Section 14. Great Seal. There shall be a Great Seal of the State, which shall be kept and used officially by the Lieutenant Governor as prescribed by law.

ARTICLE IV. THE JUDICIAL BRANCH

Section 1. Judicial Power. The judicial power of the State shall be vested in a unified judicial system, consisting of a Supreme Court, a Superior Court, and such inferior and appellate courts as may be established by law. All such courts shall be courts of record.

Section 2. Supreme Court. (A) *Jurisdiction* The Supreme Court shall have jurisdiction of appeals from final decisions of the Superior Court or, alternatively, of appeals from final decisions of an intermediate appellate court, if one has been established. The Supreme Court shall also have jurisdiction of other matters, including

- (1) appeals from decisions of the Superior Court that are not yet final, as may be provided by law;
- (2) appeals from appellate decisions of the Superior Court, as may be provided by law;
- (3) appeals from determinations regarding disability of the Governor and of the Governor-elect;
- (4) appeals from gubernatorial and other executive branch orders and decisions, as may be

provided by law; and
(5) such other jurisdiction as may be provided by law.

(B) *Composition* The Supreme Court shall consist of a Chief Justice and eight Associate Justices, who shall sit en banc and not by division or panel when determining the merits of appeals. The Chief Justice shall be designated by the Judicial Nomination Commission from among the Justices in regular active service. The Chief Justice shall serve as Chief Justice for a term of four years or until a successor is designated. The Chief Justice shall be eligible for redesignation as Chief Justice.

Section 3. Superior Court. (A) *Jurisdiction* The Superior Court shall have jurisdiction of civil actions or other matters, at law or in equity, brought in the State; criminal proceedings under any statute of the State; and such other jurisdiction, including appellate jurisdiction of cases decided by inferior courts, as may be provided by law.

(B) *Composition* The Superior Court shall consist of a Chief Judge and 43 or more Associate Judges, as provided by law. The Chief Judge of the Superior Court shall be designated by the Judicial Nomination Commission from among the Judges in regular active service and shall serve as Chief Judge for a term of four years until a successor is designated. The Chief Judge shall be eligible for redesignation as Chief Judge.

Section 4. Qualifications. (A) *Qualifications* A person nominated as a Judge or Justice must be
(1) a citizen of the United States;
(2) an active member of the Unified State Bar who has been engaged in the practice of law in the State for five years preceding nomination but who has not served within the two preceding years as a member of the Judicial Nomination Commission or the Commission on Judicial Disabilities and Tenure; and
(3) an actual resident of the State for at least five years immediately prior to nomination.

(B) *Disqualifications* No Judge or Justice shall hold any other State or Federal paid office, position of profit, or employment. Upon becoming a candidate for any elective office, or upon ceasing to reside in the State, a Judge or Justice shall forfeit judicial office.

Section 5. Vacancies in the Office of Judge or Justice. The Governor shall fill any vacancy in any office of Judge or Justice by appointing one of two or more persons nominated by the Judicial Nomination Commission.

Section 6. Salary of Judges and Justices. The salary and benefits of a Judge or Justice may not be reduced during the term in office of the Judge or Justice.

Section 7. Judicial Nomination Commission. The Judicial Nomination Commission shall consist of nine members, each of whom shall serve for six years and until a successor has been appointed. Each member shall be a citizen of the United States, shall have been an actual resident of the State for at least five years prior to appointment, and shall maintain residency in the State.

Section 8. Judicial Nomination Commission Membership. Members of the Commission shall be selected as follows:

- (a) Six members shall be appointed by the Governor, with the advice and consent of the House of Delegates. Two of them shall have been engaged in the practice of law in the State for at least five successive years preceding appointment. The other four shall not be lawyers.
- (b) Two members shall be appointed by the Board of Governors of the Unified State Bar and shall have been engaged in the practice of law in the State for at least five years preceding appointment.
- (c) One member shall be appointed by the House of Delegates and shall be a lawyer or a retired Judge or Justice of the State.

Members shall receive compensation as provided by law. The Commission shall choose annually from among its members its chairperson and such other officers as are deemed necessary.

Section 9. Tenure of Judges and Justices. Judges of the Superior Court and Justices of the Supreme Court shall be appointed for life, subject to removal by the voters and to removal, suspension, or involuntary retirement by the Commission on Judicial Disabilities and Tenure, as provided for in this Article.

Section 10. Retention Elections. In a manner provided by law, each Judge or Justice shall be subject to retention or removal by the voters, on a nonpartisan ballot, at the first general election held more than three years after initial appointment. An additional retention election shall be held every ten years for a Supreme Court Justice, and every six years for a Superior Court Judge.

Not less than eight months prior to a retention election, a Judge or Justice may file with the Commission on Judicial Disabilities and Tenure a request for official evaluation. If a request is filed, this Commission shall prepare, not less than 90 days prior to the date of the election, a written evaluation of the performance and fitness for continued service of the Judge or Justice, including a rating on a scale established by law. In evaluating the Judge or Justice, the Commission shall collect relevant information from a representative sample of judges, lawyers, scholars, litigants, and jurors familiar with the work of the Judge or Justice. The Commission shall make its report and rating available to the Judge or Justice, the press, and the public. If no request for evaluation is filed, the Commission shall report that fact.

Section 11. Commission on Judicial Disabilities and Tenure. (A) *Qualifications* The Commission on Judicial Disabilities and Tenure shall consist of five members, each serving for a term of six years. A member must

- (a) be a United States citizen who is not an officer or employee of the State government or of the legislative or executive branches of the federal government; and
- (b) have been an actual resident of the State for at least five years immediately prior to appointment.

(B) *Selection* Two members shall be lawyers appointed by the Board of Governors of the Unified State Bar. Two members, one of whom shall not be a lawyer, shall be appointed by the Governor with the advice and consent of the House of Delegates. One member shall be appointed by the

House of Delegates, and shall not be a lawyer. Members who are lawyers shall have the qualifications prescribed for persons appointed as Judges of the Superior Court.

(C) *Procedure* The Commission shall choose annually, from among its members, a chairperson and such other officers as it may deem necessary. It may adopt any necessary rules of procedure. It may conduct studies regarding administration of the Judiciary. It may require the Governor to furnish such records, information, services, and other assistance and facilities as may be necessary to enable it to perform its functions properly, but information so furnished shall be treated by it as privileged and confidential. The Commission shall act only at meetings called by the chairperson or by a majority of the members after notice to all members.

Section 12. Removal, Suspension, and Involuntary Retirement of Judges and Justices. A Judge or Justice of a court shall be removed from office upon the filing in the Supreme Court by the Commission on Judicial Disabilities and Tenure of an order of removal certifying the entry, in any court within the United States, of a final judgment of conviction of a crime which is punishable as a felony under federal law or which would be a felony in the State. A Judge or Justice shall also be removed from office upon affirmance of an appeal from an order of removal filed in the Supreme Court by the Commission on Judicial Disabilities and Tenure (or upon expiration of the time within which such an appeal may be taken) after a determination by that Commission of willful misconduct in office, willful and persistent failure to perform judicial duties, or any other conduct which is prejudicial to the administration of justice.

A Judge or Justice shall be involuntarily retired from office when the Commission on Judicial Disabilities and Tenure determines that the Judge or Justice suffers from a mental or physical disability, including habitual intemperance, which is or is likely to become permanent and which prevents, or seriously interferes with, the proper performance of judicial duties, and that Commission files in the Supreme Court an order of involuntary retirement and the order is affirmed on appeal or the time within which an appeal may be taken has expired.

A Judge or Justice shall be suspended without salary upon proof of conviction, which has not become final, of a crime which is punishable as a felony under federal law or which would be a felony in the State, or upon the filing of an order of removal which has not become final. A Judge or Justice shall also be suspended without salary upon the filing by the Commission on Judicial Disabilities and Tenure of an order of suspension in the Supreme Court. Suspension for either of these reasons shall continue until termination of all appeals. If the conviction is reversed or the order of removal is set aside, the Judge or Justice shall be reinstated and shall recover the salary and all rights and privileges of office.

A Judge or Justice shall be suspended from judicial duties with any retirement salary to which the Judge or Justice is entitled, upon the filing by the Commission on Judicial Disabilities and Tenure of an order of involuntary retirement in the Supreme Court. Suspension shall continue until termination of all appeals. If the order of involuntary retirement is set aside, the Judge or Justice shall be reinstated and shall recover all judicial salary less any retirement salary received and shall be entitled to all the rights and privileges of office.

A Judge or Justice shall be suspended from all or part of the Judge or Justice's judicial duties, with salary, if the Commission on Judicial Disabilities and Tenure, upon concurrence of four members, orders a hearing for the removal or retirement of the Judge or Justice pursuant to this Section and determines that the suspension is in the interest of the administration of justice, and files an order of suspension in the Supreme Court. The suspension shall terminate as specified in the order (which may be modified, as appropriate, by the Commission) but in no event later than the termination of all appeals.

Section 13. Administration. The Chief Justice of the Supreme Court shall be the administrative head of all courts of the State. The Chief Justice may assign Judges and Justices for temporary service in any court. With the approval of the Supreme Court, the Chief Justice shall appoint an administrative director to serve at the pleasure of the Supreme Court and to supervise the administrative operations of the judicial system of the State.

Section 14. Financing. Before each fiscal period, the Chief Justice of the Supreme Court shall submit to the Governor a budget for the judicial system, including detailed estimates of necessary appropriations and expenditures, full-term operating and capital improvements projections, and a qualitative and quantitative description of court activities. The Governor shall transmit the proposed budget to the House of Delegates without changing it, but may make recommendations with respect to it. The Governor shall not be required to propose revenues to fund the entire submission but must propose revenues to finance that portion of the proposed budget recommended for acceptance by the House of Delegates.

Section 15. Rulemaking. The Supreme Court shall make and promulgate rules governing the administration of all courts, including rules governing practice and procedure. These rules may be changed by law.

Section 16. Vacancies in Judicial Commissions. Persons appointed to fill vacancies arising for a reason other than expiration of a prior term on the Judicial Nomination Commission or the Commission on Judicial Disabilities and Tenure shall serve only for the remainder of the unexpired term. Any vacancy shall be filled in the manner in which the original appointment was made.

Section 17. Definition. The term "practice of law" as used in this Article means the active practice of law, service on the faculty of a law school, or employment as a lawyer by the state government or by the federal government.

ARTICLE V. SUFFRAGE

Section 1. Voting Eligibility. Every citizen of the United States is eligible to vote in any election and to circulate and sign nominating, initiative, referendum, recall, and other petitions authorized by law, provided that the person

(a) resides or is domiciled in the State or the National Capital Service Area as defined in this Constitution and does not claim voting residence or the right to vote in any other state, territory, or country;

- (b) will be at least 18 years old on the date of the election;
- (c) is not mentally incompetent as determined by a court of competent jurisdiction;
- (d) is not incarcerated in a correctional institution as a result of conviction in the United States of a crime which would be a felony in the State; and
- (e) has registered to vote at the time of the election or by the time the petitions are filed.

An eligible person may register at any time except that the House of Delegates may prescribe a period of delay of up to 30 days between the date on which a person registers and the date on which that person becomes eligible to vote.

Section 2. Eligibility of Residents Temporarily Out-Of-State. No person shall be deemed to have lost residence or domicile in the State solely because of temporary absence from the State while serving in the service of the United States, while serving as an officer or member of the crew of a merchant vessel, or while attending an educational institution outside the State.

Section 3. Absentee Voting. The House of Delegates shall provide for absentee voting.

ARTICLE VI. EDUCATION

Section 1. Provision For Education. (A) *Preamble* Recognizing the distinct and unique heritage of its diversified population, the State is committed in its educational goals to the preservation of cultural integrity and to the promotion of equality of opportunity for every individual to develop fully.

(B) *Equal Educational Opportunity* The State shall guarantee equality of educational opportunity in public educational institutions to all residents regardless of race, sex, religion, color, national origin, citizenship, condition of disability, and other individual characteristics. The State may be sued for default of this guarantee. The House of Delegates shall provide penalties for any individual who violates this guarantee.

Section 2. Primary and Secondary Education. (A) *Primary and Secondary Schools* The State shall provide for the establishment, financing, and control of a uniform, high-quality, statewide system of free public primary and secondary schools, including specialized schools, for all residents. Education to standards established by the State Board of Education shall be compulsory for all residents between the ages of 6 and 18, except those who have already completed all secondary school requirements. All public schools shall be free of sectarian or religious instruction. Children of Diplomatic Corps members may attend public schools, as provided by the State Board of Education.

(B) *State Board of Education* The general control and supervision of the public school system shall be vested in a State Board of Education consisting of nine voting members. Eight members shall be elected from separate electoral districts varying by no more than three percent from the average population of all districts, and one shall be a student representative who shall be enrolled in a public senior high school and elected by the public senior high school student population. The duties, qualifications, compensation, term of office, and manner of election of the State

Board of Education and the electoral district boundaries shall be as provided by law and by this Constitution.

(C) *State Superintendent of Public Instruction* The State Board of Education shall appoint the State Superintendent of Public Instruction and shall prescribe the length of term, compensation, powers, and duties of the Superintendent.

(D) *Budget* The State Board of Education shall prepare and submit to the Governor detailed estimates of expenditures and appropriations necessary for the maintenance and operation of all primary and secondary schools. For each fiscal period, the House of Delegates shall appropriate a total budget sum for the State Board of Education, but not in a line-item manner. This budget shall include full-term operating and capital improvements projections and qualitative and quantitative descriptions of school activities. The expenditure of this money shall be under the exclusive control of the State Board of Education.

(E) *Title to Property* Any property titled in the name of the District of Columbia or of the State and used by or acquired for the use of the Board of Education of the District of Columbia or of the State Board of Education shall henceforth be deemed to be titled in the name of the State Board of Education.

(F) *Control of Property* The State Board of Education shall control the leasing and renting of its buildings and lands. With the advice and consent of the House of Delegates the State Board of Education may sell and purchase buildings and lands.

(G) *Public Involvement in Schools* To the maximum extent possible, the State Board of Education shall promote parental, administrative, community, teacher, and student involvement in local schools.

(H) *Libraries* Public libraries and other such institutions may be used to enhance public school programs relating to the history and culture of the State.

(I) *Minimum Standards* All private elementary and secondary schools shall be required to meet the same minimum standards for instructors, instruction, and student achievement as may be imposed by the State Board of Education upon the public schools. The State Board of Education may establish equivalent alternatives to the above standards.

Section 3. Higher Education. (A) *System of Higher Education* The State shall provide for the establishment, financing, and control of a public system of higher education which shall constitute a public trust and shall consist of the State University and such other institutions of higher learning as may be established by law. This system shall be supervised by the Board of Higher Education which shall be a body corporate. The Board of Higher Education shall have general supervision of all state institutions of higher instruction, direction and control of all funds and appropriations, and other powers and duties as prescribed by law.

(B) *Board of Higher Education* The Board of Higher Education shall consist of
(1) eight voting members, of whom one shall reside in each State Board of Education electoral

district, who shall be appointed by the Governor, with the advice and consent of the House of Delegates, and who shall serve for staggered terms of six years;

(2) three voting members representing alumnae, alumni, and students, of whom one shall be selected by the body of alumnae and alumni, one shall be a graduate student selected by the entire graduate student body, and one shall be an undergraduate student selected by the entire undergraduate student body; and

(3) three ex-officio members without the right to vote: the Governor, the President of the House of Delegates, and the Superintendent of Public Instruction.

(C) *Compensation and Tenure* Members of the Board of Higher Education

(1) shall receive no salary, but may be reimbursed for expenses incurred in the discharge of their duties; and

(2) shall not be removed except for cause and by due process of law.

(D) *Budget* The State Board of Higher Education shall prepare and submit to the Governor detailed estimates of expenditures and appropriations necessary for the maintenance and operation of its entire system. The budget for the State Board of Higher Education shall include all State colleges and universities and the institutions subject to its control. For each fiscal period, the House of Delegates shall appropriate a total budget sum for the State Board of Higher Education but not in a line-item manner. This budget shall include full-term operating and capital improvements projections and qualitative and quantitative descriptions of school activities. The expenditure of this money shall be under the exclusive control of the State Board of Higher Education.

(E) *Title to Property* Any property titled in the District of Columbia or in the State and used by or acquired for the use of the Trustees of the University of the District of Columbia, or any of its predecessor institutions, or of the State Board of Higher Education shall henceforth be deemed to be titled in the name of the State Board of Higher Education, which shall control the leasing and renting of these properties.

However, no such buildings or lands shall be sold or purchased, except with the consent of the House of Delegates.

Section 4. Restrictions on Financing of Non-Public Education. (A) *Prohibition of Financial Support to Schools* The State shall provide no financial support, either directly or indirectly, unless earmarked for a program of public service, to any sectarian, denominational, or religious school, or to any pre-elementary, elementary, secondary, or post-secondary school which is not owned and exclusively controlled by the State.

(B) *Prohibition of Support for Students or Employees* Except as otherwise provided in this Section, the State shall provide no payment; credit; tax benefit, exemption, or deduction; tuition voucher; or subsidy, grant, or loan of public monies or property, in any way, either directly or indirectly,

(1) to support the attendance of any student at any pre-elementary, elementary, or secondary school or other institution at those levels, which is not owned and exclusively operated by the State;
or

(2) to pay the salary of any employee at any non-public school or institution where instruction is offered in whole or in part to non-public school students at any level.

(C) *Students with Disabilities* The State may pay the private school tuition of a student with a disability which renders the student unable to receive an education in the public schools.

(D) *Federal Funding* Nothing in this Section shall restrict the acceptance of funds from the government of the United States, nor the expenditure of those funds in accordance with the terms under which they are accepted.

ARTICLE VII. FINANCE AND TAXATION

Section 1. Fiscal Period. The fiscal, accounting, and budget periods of the State shall be 24 months which shall commence and terminate as provided by law.

Section 2. The Budget. At a time established by law, the Governor shall submit to the House of Delegates a balanced operating budget estimate for the next fiscal period. It shall state all anticipated expenditures and income for the State and for all its departments, agencies, and subdivisions. At that time, the Governor shall also submit a general appropriation bill or bills authorizing all anticipated expenditures and a bill or bills to raise all necessary revenues.

From time to time, the Governor may prepare and submit to the House of Delegates such supplemental or deficiency budget recommendations as in the judgment of the Governor are necessary to serve the public interest.

The proposed budget shall include a budget message, which shall contain multi-year plans for all departments, agencies, and subdivisions of the State, and for capital improvements. The period of the multi-year plans and their specific contents shall be defined by law.

The budget of the Governor shall be available and summaries shall be distributed to the public.

The House of Delegates shall establish an independent agency to project revenue estimates for the next fiscal period. These projections shall be published and made available to the public.

Section 3. Adoption of the Budget. After receipt of the proposed budget from the Governor and within a time period established by law, the House of Delegates shall adopt and transmit to the Governor a balanced operating budget for the State.

Section 4. Expenditures. No money shall be withdrawn from the Treasury except in accordance with appropriations made by law, nor shall any obligations for the payment of money be incurred except as authorized by law. The appropriation for each department, agency, or subdivision of the State shall specify distinctly the sum appropriated and the general or specific purpose for which it is made.

Section 5. Borrowing. The State may incur indebtedness only by authorization of the House of Delegates and only by issuing general obligation bonds for capital projects, revenue notes in anticipation of revenues, and negotiable notes to meet appropriations.

The House of Delegates shall set an overall debt limit for indebtedness through general obligation bonds.

All indebtedness, except general obligation bonds for capital projects, must be retired within the same fiscal period or within the succeeding fiscal period.

Section 6. Debt Service Limitations. Long-term debt shall not be incurred to the extent that it requires debt service of more than 14 percent of the revenues during any biennial fiscal period.

Section 7. Taxation. (A) *Taxing Power* The State House of Delegates shall have the power to tax. This power shall never be surrendered, suspended, or contracted away, except as provided in this Constitution.

(B) *Tax Exemptions -- Retail Sales* The State House of Delegates shall not have the power to tax purchases of retail groceries and prescription drugs and other medicines. These terms shall be defined by the House of Delegates.

(C) *Tax Exemptions -- Real Estate* Tax exemptions on real property not owned and controlled by the State or its political subdivisions and not used exclusively for a public purpose may not be granted by the House of Delegates except with respect to real property used exclusively for non-profit, religious, educational, or charitable purposes or as required by the United States Constitution. Private leaseholds, contracts, or interests in land or property owned or held by the State, or its political subdivisions, shall be taxable to the extent of the interests.

(D) *Tax Bills* No tax shall be levied, except as provided by law, and every law imposing a tax shall be addressed in a separate bill. No matter not immediately relating to and necessary for raising revenue shall be blended with or annexed to a bill for imposing taxes.

Section 8. Earmarking. Except as required by participation in federal programs or interstate compacts or as needed to secure authorized debt, the State shall not authorize the earmarking of funds for longer than two fiscal periods.

Section 9. Limitations on Appropriations. No appropriation shall ever be made from any public fund in aid of any religious creed, church, or sectarian purpose, or to help, support, or sustain any private school, academy, seminary, college, university, or other institution of learning controlled by any religious creed, church, or sectarian denomination, unless earmarked for a program of public service. No grant or donation of personal property or real estate shall ever be made by the State or any of its political subdivisions for any religious creed, church, or sectarian purpose.

ARTICLE VIII.
BANKING AND CORPORATIONS

Section 1. State Banking Commission. The House of Delegates shall establish a State Banking Commission to regulate State chartered financial institutions and to perform such other functions as may be provided by law.

Section 2. State Depositors Insurance Fund. The House of Delegates shall establish a State Depositors Insurance Fund System.

Section 3. State Economic Development Bank. The House of Delegates shall establish a State Economic Development Bank. Its primary responsibility shall be to provide loans to those individuals, corporations, partnerships, limited partnerships, cooperatives, or other businesses and establishments that are unable to obtain loans from any private bank, savings and loan association, or credit union within the State.

Section 4. Corporations. The House of Delegates shall provide by law for the organization, regulation, and qualification of all corporations, credit unions, unincorporated enterprises, mutual and cooperative companies and associations, and foreign corporations doing business in the State.

ARTICLE IX.
LAND AND THE ENVIRONMENT

Section 1. Land. (A) *Comprehensive Plan* (1) Plan Every ten years within a time period fixed by law, the Governor shall submit to the House of Delegates and the public a ten-year comprehensive land use plan. The objective of the plan shall be the use and development of land in a manner consistent with the public welfare. The neighborhoods of the State shall serve as the foci for the development of the plan. A summary of the plan shall be distributed to the public.

(2) *Citizen Advisory Planning Commission* In order to ensure citizen participation in the development of the land use plan, the Governor shall establish a Citizen Advisory Planning Commission. The Governor shall determine the size of the Commission and appoint its members including at least one resident from each legislative district. The House of Delegates shall determine the terms of office of members of the Commission and establish their rate of compensation, if any.

(3) *Adoption* Within a time period fixed by law, after receiving the proposed comprehensive plan and conducting public hearings on it, the House of Delegates shall consider it, make any necessary changes, and upon adoption transmit the approved plan to the Governor. The plan shall guide the actions of all State agencies and commissions.

(B) *Eminent Domain* Private property shall not be taken or damaged for public purposes without just compensation. Private property shall not be taken in order to transfer it to another private use for profit unless the taking serves a compelling public purpose that clearly cannot be achieved by any alternative means.

(C) *Public Land Acquisition* The State may acquire interests in real property to control future growth, development, and land use.

(D) *Zoning* The House of Delegates shall establish a Zoning Commission to protect the public health and welfare, protect property, and secure the public safety.

Section 2. Environment. (A) *Public Policy* It is the responsibility of the State to protect, restore, and enhance the quality of the human environment for this and future generations.

(B) *Preservation* The State shall provide for the preservation and development of open green space and of sites, objects, and properties of historical or cultural value.

(C) *Rights of Individuals* Each person has the right to a clean and healthful environment and has a corresponding duty to refrain from environmental impairment. Each person may enforce these rights and duties against any party, public or private, through appropriate legal proceedings, subject to reasonable limitations and regulation as provided by law.

(D) *Legislative Responsibility* The House of Delegates shall establish an agency and enact other appropriate legislation to carry out the policies of this Section

ARTICLE X. PUBLIC SERVICES

Section 1. Transportation. Public Transportation performs a function essential to the general welfare of the State. It is a policy of the State to provide convenient access to effective means of public transportation at reasonable rates for all of its geographical communities.

Section 2. Utilities. The general welfare of the State requires effective regulation of public utilities through consumer participation and the protection of consumers from excessive rates. To advance these goals,

(a) it is hereby declared that utility service shall be provided at the lowest reasonable rates sufficient to assure adequate, efficient, and reasonable services; and that unreasonably high rates based on excessive capital investment shall not be permitted;

(b) the House of Delegates shall establish one or more commissions to regulate public utilities and provide for the conservation of energy resources within the State, as provided for by law; and

(c) there shall be an Office of People's Counsel to represent consumers before the regulatory commission or commissions.

Section 3. Publicly Owned Utilities. Utilities are works of public necessity and importance the services of which the State may itself provide. The State may acquire, own, or operate public utilities and provide their services to consumers.

ARTICLE XI. HEALTH, HOUSING, AND SOCIAL SERVICES

Section 1. Health. (A) *General Provisions* The State shall provide for the protection and promotion of public health. The State shall have the power to assist residents unable to maintain standards of living compatible with decency and good health care.

(B) *Disabled Persons* As provided by law, the State shall provide treatment, care, and training, including education to their fullest potential, for persons suffering from mental illness, physical disability, or retardation.

The State shall have complete administrative control of state hospitals and other state institutions and centers established to assist these persons and shall administer other programs as provided by law.

As provided by law, the State shall regulate private institutions established to assist these persons.

There shall be a Chief Administrator of Mental Health who shall be responsible for regular, systematic visitation and inspection of all public and private institutions used for the care and treatment of mentally disabled persons.

(C) *Public Health Facilities* The State shall have the power to provide for the establishment and maintenance of a network of comprehensive health facilities which provide for the prevention, treatment and care of illnesses and health-related problems.

(D) *State Board of Health* There shall be a State Board of Health whose responsibilities shall include enforcing, overseeing, and maintaining decent health and nutritional care, and maintaining the vital statistics necessary to improve the health of the people.

The House of Delegates shall determine the size and composition of the Board.

Section 2. Housing. The State shall have the power to provide low and moderate income families with assistance in obtaining decent, sanitary, and safe housing and to develop or rehabilitate substandard areas. The exercise of this power is deemed for public use and purpose.

Section 3. Social Services. (A) *Unemployment and Workers Compensation* The State shall have the power to provide an adequate system of unemployment compensation and workers compensation benefits for employees, including provisions for compensating employees absent from work because of pregnancy, childbirth, or the need to care for newborn or young children.

(B) *Public Sector Jobs and Welfare* The State shall have the power to create jobs and to provide transfer payments for the purpose of meeting basic human needs.

(C) *Day Care Centers* The State shall provide and maintain public day care centers as provided by law and shall establish standards for publicly and privately operated day care centers.

(D) *Youth Offenders and Criminals* The State shall provide for the maintenance and support of institutions for the detention of youth offenders and persons charged with or convicted of crimes. Rehabilitation programs shall be developed and maintained for the transition of persons from these institutions to the community, as provided by law.

(E) *The Elderly* The State shall have the power to establish and promote programs to assure the economic and social well-being of the elderly, including provision for their health, security, and access to public buildings. The State shall regulate private and public nursing homes for the elderly and the disabled, as provided by law.

(F) *Cultural Resources* The State shall have the power to preserve and enhance the cultural, creative, and traditional arts of its people and shall maintain an appropriate facility for this purpose. The State shall preserve historical sites and landmarks.

ARTICLE XII. LABOR

Section 1. Collective Bargaining. Persons in private and public employment shall have the right to organize and bargain collectively, through representatives of their own choosing. The right to strike is fundamental and is an inherent part of the right to organize and bargain collectively. The right of public employees to strike shall not be abridged unless the abridgement serves a compelling governmental interest and is narrowly drawn so as to serve that interest, and it is clear that no alternative form of regulation is possible.

Section 2. Minimum Wages, Equal Pay, Health and Safety. The House of Delegates shall provide for minimum wages, equal pay for equal work and equal pay for comparable work, and a safe and healthy workplace. Minimum wages established shall apply to all employees covered thereby. The House of Delegates may enact other laws to enhance and promote the dignity and general welfare of labor, but no laws shall be enacted which impair the ability of collective bargaining organizations to carry out their lawful functions.

Section 3. Administration of Labor Relations. The House of Delegates shall establish an agency or agencies within one of the principal executive departments to administer and enforce all laws, regulations, and programs concerned with collective bargaining and the general welfare of labor.

ARTICLE XIII. LOCAL GOVERNMENT UNITS

Section 1. Authority. The House of Delegates shall permit areas of the State to elect local officers and to exercise such local authority, other than the authority to tax, zone land, or enact legislation, as it may by law provide. The House of Delegates shall have the ultimate authority for establishing standards and for determining whether the proposed local government unit meets those standards.

Section 2. Charters. The House of Delegates shall establish procedures to permit an area to petition for the election of a Charter Commission. A charter shall include provisions for a charter amendment process and for a process by which neighboring areas may later be considered for inclusion in the local government unit. The House of Delegates shall provide that the charter drafted by the elected Commission be submitted to the voters of the proposed unit for approval before submission to the House of Delegates.

Section 3. Special Districts. The House of Delegates shall have the power to create special districts for public purposes.

Section 4. Advisory Neighborhood Commissions. Advisory Neighborhood Commissions shall exercise the authority which they had at the time the State entered the Union, and any additional authority subsequently provided by law. The House of Delegates may modify this structure but shall always provide for elected advisory neighborhood mechanisms in unchartered areas of the State.

Section 5. Implementation. A law implementing this Article shall be passed by the House of Delegates within two years of the convening of the first House of Delegates and shall be subject to the approval of the voters of the State.

ARTICLE XIV.
APPORTIONMENT

Section 1. Reapportionment of Legislative Districts. The State shall be apportioned into 40 legislative election districts of substantially equal population. As soon as practicable after the results of each decennial census are reported, but in any event not later than the calendar year following the taking of the census, these districts shall be revised to maintain districts of substantially equal population. The Reapportionment Commission established by this Article shall conduct the reapportionment, which shall be subject to judicial review upon the application of any qualified registered voter of the State.

Section 2. Reapportionment Commission. (A) *Membership* The reapportionment of legislative districts shall be carried out by a Reapportionment Commission consisting of five members appointed by the Governor in January of the year before the year in which the decennial census is conducted. No member may hold any other public office. The State Committee of each of the three political parties having the highest number of votes in the most recent gubernatorial election shall submit to the Governor a list of three names of registered voters who are members of that party for the consideration of the Governor. The President of the House of Delegates shall also submit to the Governor the names of three registered voters, regardless of party affiliation. The Governor shall appoint Commission members from the combined list of 12 names. No more than two of the five appointees shall be members of the same political party. Any independent candidate receiving one of the three highest totals in the most recent gubernatorial election shall be treated as a state committee for purposes of this Section.

(B) *Additional Duties* In addition to establishing legislative districts, the Commission shall establish any districts required for the members of the United States House of Representatives representing this State, establish appropriate single-member districts for any other elective office, and participate with the United States in joint preparations for the decennial census.

(C) *Term* The Reapportionment Commission shall continue in office until the completion of the reapportionment relevant to all offices as a result of the decennial census, including the final adjudication of all appeals.

Section 3. Apportionment Standards. Each district shall have a population which varies by no more than three percent from the average population of all districts. Each district shall respect neighborhood integrity, be contiguous, and be as compact as possible. In reapportioning the State, the Commission may take into account natural features and open spaces, such as rivers and parks, but shall not take into account the addresses of incumbent elected officials, the political affiliations of registered voters, the results of previous elections, or demographic information other than the actual number of persons found by the most recent census to reside in each census tract or other geographical area. No reapportionment shall be effected for the purpose of favoring or harming any political party, incumbent public official, or other person or group.

ARTICLE XV.
INITIATIVE, REFERENDUM, AND RECALL

Section 1. Right to Initiative, Referendum and Recall. Although the legislative power of the State is vested in the House of Delegates, the people reserve to themselves the power to propose, adopt, and repeal laws and constitutional provisions. The people also reserve to themselves the power to remove from office elected State and local government officials.

Section 2. Initiative Procedures. (A) *Definition, Presentation, and Limitations* Initiative is the power of the voters to propose laws and amendments to the Constitution and to adopt or reject them.

An initiative may be proposed by presenting to the Lieutenant Governor the text of the proposed law or constitutional amendment.

The proposed law or amendment to the Constitution shall embrace a single subject and related matters.

(B) *Obligation and Responsibilities* Upon receipt of an initiative, the Lieutenant Governor shall submit it immediately to the Attorney General.

Within 20 calendar days, the Attorney General shall provide the proponents of the initiative an advisory opinion on its clarity and whether or not it meets the requirements of this Article for placement on the ballot.

The proponents shall then resubmit the proposal, revised or unchanged, to the Lieutenant Governor.

Within 20 calendar days, the Lieutenant Governor shall prepare an accurate title and summary statement for use on the petition form.

(C) *Certification and Circulation* Upon the receipt of petitions signed by qualified voters equal in number to five percent, in the case of a law, and ten percent, in the case of a constitutional amendment, of the votes cast for all candidates for Governor in the most recent gubernatorial election, provided that the respective percentages for each type of initiative must have been met

in at least two-thirds of the legislative districts of the State, the Lieutenant Governor shall submit the measure at the next election held at least 120 days after it qualifies.

The circulation period allowed for an initiative petition shall be 180 days after the proponents receive a title and summary from the Lieutenant Governor.

(D) *Effective Date* An initiative approved by a majority of the voters shall take effect 30 days after certification by the Lieutenant Governor.

(E) *Limitations* No proposal shall be the subject of any initiative if it relates to the appointment, qualifications, tenure, removal, or compensation of Justices or Judges; to the powers, jurisdiction, creation, or abolition of courts or any rules thereof; to the appropriation of any money other than new revenues created and provided thereby; or to the diminishment of the rights and protections of any persons as enumerated in this Constitution or as provided by law.

(F) *Conflicts* If provisions of two or more initiatives approved at the same election conflict, those of the measure receiving the highest affirmative vote shall prevail.

(G) *Amendment and Repeal* The House of Delegates may amend or repeal an initiative law during a two-year period following its enactment only by a three-fourths majority vote of the Delegates present and voting. Repeal of an initiative by another law shall become effective only when approved by the voters unless the law adopted by initiative permits repeal without their approval.

Section 3. Referendum Procedures. (A) *Definition* The referendum is the power of the voters to approve or reject newly enacted laws or parts of laws.

(B) *Requirements* A referendum may be proposed by a voter to the Lieutenant Governor, within 90 days after the enactment of the law which is the subject of the referendum provided, that the petition contains the required number of signatures of voters.

A petition must be signed by registered voters in number not less than five percent of the statewide votes cast for all candidates for Governor at the most recent gubernatorial election, provided that the signature percentage requirement shall have been met in at least two-thirds of the legislative districts of the State.

The petition shall ask that a law or a part of a law be submitted to the voters.

(C) *Implementation* (1) Upon verification of the petition signatures, the Lieutenant Governor shall submit the referendum to the voters for approval or disapproval.

(2) The referendum election shall be held 60 days after verification of requirements.

(3) The Governor may call a special statewide election.

(D) *Limitations* A referendum petition may not be filed with respect to a law or part of a law that provides human rights or protections or relates to appointment, qualifications, tenure, removal, or compensation of judges; the powers, creation, or abolition of courts; the appropriation of money

for the current or ordinary expenses of the State or for any of its departments, boards, commissions, or institutions. Any capital project may be the subject of a referendum, except for capital projects for public education.

(E) *Effective Date* The result of a referendum election takes effect immediately after the official declaration of the vote by the Lieutenant Governor.

(F) *Exception* Except in the case of an emergency law, the timely filing of a referendum petition and verification by the Lieutenant Governor that it complies with the requirements of this Article shall suspend the operation of the law which is the subject of the referendum unless the Lieutenant Governor finds that it does not comply with all the requirements of this Article.

A majority affirmative vote shall put the law into effect; a negative vote shall render it null and void. An emergency law remains in effect unless there is a majority vote against the law, in which case it shall become null and void.

Section 4. Publicity. The House of Delegates shall provide methods of publicizing all initiative or referendum measures referred to the voters with statements for and against the measures so referred. The Lieutenant Governor shall undertake distribution of the measures to ensure that voters shall have an opportunity to study the measures prior to the election.

Section 5. Recall Procedures. (A) *Definition* Recall is a process [process] by which voters may remove an elected State or local government official.

(B) *The Petition Process* The Lieutenant Governor shall supervise the petition process including certification of the required number of signatures. A maximum of 90 days is allotted for the collection of signatures.

(C) *The Petition Statement* The recall petition shall contain a concise statement alleging the reasons for recall. The wording of the statement shall be determined by the petitioners in cooperation with the Attorney General.

(D) *Petition Signature Requirements* A recall petition shall contain at least 25 percent of the total number of all votes cast in the most recent election for the position in question. In the case of a statewide office, this 25 percent requirement must be met in at least two-thirds of the legislative districts.

(E) *Initiation of Recall* Recall cannot be initiated within the first six months or the last 12 months of the term of an elected official nor upon more than one occasion during that term.

(F) *Time of Recall Election* A recall election shall be held no less than 60 days nor more than 120 days after certification of the signed petitions.

(G) *Votes Required for Recall* A simple majority vote shall remove the official from office.

(H) *Reimbursement* Within limits set by the House of Delegates, recall expenses incurred by the official, if retained, shall be paid by the State.

(I) *Filling a Recall Vacancy* When an official is recalled, the vacancy shall be filled by a special election held no more than 90 days after the recall certification or at the next regularly scheduled election if it occurs within 150 days.

(J) *Local Government Units* Any local government shall have the power to provide in its charter for recall of its elected officials.

Section 6. Enabling Legislation. This article is self-executing, but enabling legislation may be enacted.

ARTICLE XVI. INTERGOVERNMENTAL RELATIONS

Section 1. Boundaries of the State. (A) The boundaries of the State shall be subject to the approval of the Congress of the United States and the voters of the State. The State shall include, however, at least all of the territory of the District of Columbia which is not included within the boundaries of the National Capital Service Area as defined in this Section.

The outer limits of the boundaries of the National Capital Service Area are:

- Beginning at the Northwest point on the present Virginia-District of Columbia boundary, running due east to the eastern shore of the Potomac River;
- thence generally south along the shore at the mean high water mark to the northwest corner of the Kennedy Center;
- thence east along the north side of the Kennedy Center to a point where it reaches the E Street Expressway;
- thence east on the expressway to E Street Northwest and thence east on E Street Northwest to Eighteenth Street Northwest;
- thence south on Eighteenth Street Northwest to Constitution Avenue Northwest;
- thence east on Constitution Avenue to Seventeenth Street Northwest;
- thence north on Seventeenth Street Northwest to Pennsylvania Avenue Northwest;
- thence east on Pennsylvania Avenue to Jackson Place Northwest;
- thence north on Jackson Place to H Street Northwest;
- thence east on H Street Northwest to Madison Place Northwest;
- thence south on Madison Place Northwest to Pennsylvania Avenue Northwest;
- thence east on Pennsylvania Avenue Northwest to Fifteenth Street Northwest;
- thence south on Fifteenth Street Northwest to Pennsylvania Avenue Northwest;
- thence southeast on Pennsylvania Avenue Northwest to John Marshall Place Northwest;
- thence north on John Marshall Place Northwest to C Street Northwest;
- thence east on C Street Northwest to Third Street Northwest;
- thence north on Third Street Northwest to D Street Northwest;
- thence east on D Street Northwest to Second Street Northwest;
- thence south on Second Street Northwest to the intersection of Constitution Avenue Northwest and Louisiana Avenue Northwest;

thence northeast on Louisiana Avenue Northwest to North Capitol Street;
thence north on North Capitol Street to Massachusetts Avenue Northwest;
thence southeast on Massachusetts Avenue Northeast so as to encompass Union Square;
thence following Union Square to F Street Northeast;
thence east on F Street Northeast to Second Street Northeast;
thence south on Second Street Northeast to D Street Northeast;
thence west on D Street Northeast to First Street Northeast;
thence south on First Street Northeast to Maryland Avenue Northeast;
thence generally north and east on Maryland Avenue to Second Street Northeast;
thence south on Second Street Northeast to C Street Southeast;
thence west on C Street Southeast to New Jersey Avenue Southeast;
thence south on New Jersey Avenue Southeast to D Street Southeast;
thence west on D Street Southeast to Canal Street Parkway;
thence southeast on Canal Street Parkway to E Street Southeast;
thence west on E Street Southeast to the intersection of Canal Street Southwest and South Capitol Street;
thence northwest on Canal Street Southwest to Second Street Southwest;
thence south on Second Street Southwest to Virginia Avenue Southwest;
thence generally west on Virginia Avenue to Third Street Southwest;
thence north on Third Street Southwest to C Street Southwest;
thence west on C Street Southwest to Sixth Street Southwest;
thence north on Sixth Street Southwest to Independence Avenue;
thence west on Independence Avenue to Twelfth Street Southwest;
thence south on Twelfth Street Southwest to D Street Southwest;
thence west on D Street Southwest to Fourteenth Street Southwest;
thence south on Fourteenth Street Southwest to the middle of the Washington Channel;
thence generally south and east along the middle of the Washington Channel to a point due west of the northern boundary line of Fort Lesley McNair;
thence due east to the side of the Washington Channel;
thence following generally south and east along the side of the Washington Channel at the mean high water mark, to the point of confluence with the Anacostia River, and along the northern shore at the mean high water mark to the northernmost point of the Eleventh Street Bridge;
thence generally south and east along the northern side of the Eleventh Street Bridge to the eastern shore of the Anacostia River;
thence generally south and west along such shore at the mean high water mark to the point of confluence of the Anacostia and Potomac Rivers;
thence generally south along the eastern shore at the mean high water mark of the Potomac River to the point where it meets the present southeastern boundary line of the District of Columbia;
thence south and west along such southeastern boundary line to the point where it meets the present Virginia-District of Columbia boundary; and
thence generally north and west up the Potomac River along the Virginia-District of Columbia boundary to the point of beginning.

(B) Where the National Capital Service Area is bounded by a street, the street and its sidewalks shall be included within that Area.

(C) The District Building shall, however, be part of the State.

Section 2. Cooperation With Other Governments. With the consent of the House of Delegates, the Governor may enter into agreements or compacts for any public purpose with other governmental entities including other states and the United States. At the request of the United States and with the consent of the House of Delegates, the Governor shall negotiate contracts with the United States to provide police, fire, sanitation, and other services to foreign embassies and chanceries and to federal buildings and other federal property located in the State or in the National Capital Service Area.

Section 3. Acceptance of Federal Funds. No taxes shall be imposed by the State upon any property now owned or hereafter acquired by the United States, unless the property becomes taxable because the United States disposes of it or consents to taxation. The State may accept from the United States grants and other payments, including payments in lieu of tax revenues that would be collected were the federal property in the State subject to taxation.

ARTICLE XVII.
AMENDMENT AND REVISION

Section 1. Introduction. Amendments to this Constitution may be proposed by the House of Delegates, an initiative, or a constitutional convention.

Section 2. The House of Delegates. The House of Delegates may propose an amendment by the affirmative votes of two-thirds of all members. The Lieutenant Governor shall distribute the proposed amendment no less than 90 days before the next appropriate election.

The Lieutenant Governor shall then place the proposed amendment on the ballot.

The amendment shall take effect immediately after certification that it received a majority vote, unless otherwise provided in the amendment.

Section 3. The Initiative. The voters of the State may propose an amendment by initiative as prescribed by this Constitution.

Section 4. The Constitutional Convention. (A) *Call* The voters of the State may, by the initiative, call for a constitutional convention at any time. The convention may propose amendments or revisions to the Constitution. The Lieutenant Governor shall distribute the proposed amendment or amendments no less than 90 days before the next appropriate election. The Lieutenant Governor shall then place the amendment or amendments on the ballot. The proposed amendment or amendments shall take effect immediately after certification of a majority vote.

(B) *Decennial Review* If within ten years following the date this Constitution enters into force the people do not file an initiative to call a constitutional convention, the Lieutenant Governor shall place on the ballot at the next general election a referendum consisting of the question: "Shall there be a constitutional convention?" Thereafter, the same requirement shall hold for every succeeding ten-year period.

(C) *Preparatory Commission* After an affirmative vote to hold a constitutional convention, the Governor shall provide for a preparatory commission to assemble information on constitutional issues and to organize administrative support for the convention.

(D) *Delegates* Each legislative district shall elect an equal number of delegates to the constitutional convention.

Section 5. Conflicting Amendments. If provisions of two or more amendments approved at the same election conflict, those of the amendment receiving the highest affirmative vote shall prevail.

Section 6. Disapproval of Amendments. If an amendment is disapproved neither that amendment nor any substantially similar amendment shall be submitted to the voters for a period of two years.

Section 7. Enabling Legislation. This article shall be self-executing, but enabling legislation may be enacted.

ARTICLE XVIII. TRANSITION

Section 1. Effective Dates. The provisions of Sections 1 through 3 of this Article, providing for the establishment of the first government of the State, shall enter into force on a date specified in the federal legislation admitting the State to the Union. The State shall come into being and the remainder of this Constitution shall enter into force at 10:00 A.M., Eastern Standard Time, on the second day of the tenth full month after that date.

Section 2. Initial Apportionment and Elections. (A) *Commission* Immediately following the enactment of legislation admitting this State to the Union, the Mayor of the District of Columbia shall initiate appointment of a Commission and the Council of the District of Columbia shall provide election procedures. The Mayor of the District of Columbia shall issue a Proclamation and shall promptly appoint, with the advice and consent of the members of the Council, nine members of a Commission of Initial Apportionment, including at least one member from each of the eight wards of the District. The members and staff of the Commission shall be compensated as provided by law. The Commission shall, within thirty days after its last member is appointed, apportion the State into 40 legislative districts in a manner consistent with Section 3 of Article XIV of this Constitution.

(B) *First Elections* By law, the Council of the District of Columbia shall provide for the election of the House of Delegates, Governor, and Lieutenant Governor of the State. Regular or special

primary and general elections shall be held for these offices within 120 days after the initial apportionment plan enters into force, except that these elections shall not take place during July or August or before September 15th. The 120-day limitation may be extended, if necessary, in order to avoid having to hold these elections during those months.

Section 3. Initial Terms of Office of Delegates, the Governor, and Lieutenant

Governor. (A) *Staggered Terms for Delegates* At a public drawing within five days after the initial apportionment plan has entered into force, the Chair of the Commission on Apportionment shall select, at random, half of the legislative districts to be Group A districts. The initial terms of office of members of the House of Delegates elected from Group A districts shall begin 20 days after the date of certification of their elections and shall expire on the second Monday in January of the second odd-numbered year following their election. The initial terms of office of members of the House of Delegates elected from other districts shall begin 20 days after the date of certification of their election and shall expire on the second Monday in January of the first odd-numbered year following their election; except that if this provision would result in a term shorter than one year, their terms shall expire on the second Monday in January of the third odd-numbered year following their election.

(B) *Governor and Lieutenant Governor* The terms of office of the first Governor and the first Lieutenant Governor shall begin 20 days after certification of their elections and shall expire on the second day of January following the date of the next Presidential election. If this provision would result in terms shorter than one year, their terms shall expire on the second day of January of the year after the second Presidential election year following their election.

(C) *Holdover Term for Mayor* If the first election for Governor of the State has not been held by the date that the State comes into being, or if for any other reason a Governor cannot assume office on that date, the Executive power of the State shall be exercised temporarily by the person last elected as Mayor of the District of Columbia prior to the effective date of this Section of the Constitution.

(D) *Holdover Term for Council Members* If the first election for State Delegates has not been held by the date that the State comes into being, or if for any other reason the members of the House of Delegates cannot assume office on that date, the legislative power of the State shall be exercised temporarily by the persons last elected as members of the Council of the District of Columbia prior to the effective date of this Section of the Constitution.

(E) *No Interim Elections* No new election for Mayor or Council shall be held after this Section of the Constitution becomes effective. If such an election would ordinarily be scheduled between the date when this Article of the Constitution becomes effective and the date when the other Articles of the Constitution become effective, the Mayor and the Council shall hold over.

(F) *Eligibility for Re-election* The first term of the Governor and Lieutenant Governor shall count as a full term for the purposes of determining eligibility for re-election only if it is of four-year duration or longer.

Section 4. Judiciary and Other Officers. (A) *Judges* The Chief Judge and Associate Judges of the Court of Appeals of the District of Columbia on the date when this section enters into force shall become the Chief Justice and Associate Justices of the Supreme Court of the State. The Chief Judge and Associate Judges of the Superior Court of the District of Columbia on that date shall become the Chief Judge and Associate Judges of the Superior Court of the State. At the general election held in the final year of their terms, such judges shall be subject to retention or rejection by the voters in accordance with the provisions of Article IV. Retired Judges of the Court of Appeals of the District of Columbia and of the Superior Court of the District of Columbia shall become Retired Justices of the Supreme Court of the State and Retired Judges of the Superior Court of the State, respectively. They may be assigned by the Chief Justice for temporary service.

(B) *Judicial Nomination Commission* The terms of seven of the members first appointed to the Judicial Nomination Commission shall be shorter than six years, as provided by law, so that terms of members will expire on a staggered basis. The Governor of the State and the Board of Governors of the Unified State Bar shall determine, for their initial appointments, which appointees shall serve which terms.

(C) *Commission on Judicial Disabilities and Tenure* The persons first selected as members of the Commission on Judicial Disabilities and Tenure shall begin to serve their terms upon the expiration of the terms of corresponding incumbent members of the Commission on Judicial Disabilities and Tenure established by Section 431 of the District of Columbia Self-Government and Reorganization Act (Dec. 24, 1973, 87 Stat. 792).

(D) *Marshals* By agreement between the State and the United States, the United States Marshal may provide services to the courts of the State until the State has appointed its own officers to provide these services.

(E) *Other Officers* Except as otherwise provided in this Constitution, all other officers filling any office by election or appointment shall continue to exercise their duties, according to their respective commissions or appointments, until their offices shall have been abolished or their successors have assumed office.

Section 5. Existing Laws, Rights, and Proceedings. (A) *Laws and Regulations* All laws and regulations of the District of Columbia not inconsistent with this Constitution shall continue in force until they expire by their own limitation or are amended or repealed.

(B) *Congressional Legislation* Legislation passed by Congress applicable only to the District of Columbia and not inconsistent with this Constitution is hereby adopted as state law, subject to amendment or repeal by the House of Delegates.

(C) *Legal Continuity* All existing writs, actions, suits, judicial and administrative proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles, and rights shall continue unaffected except as modified in accordance with the provisions of this Constitution. The State shall be the legal successor to the District of Columbia in all matters.

(D) *Residence and Qualifications* Residence, citizenship, or other qualifications under the District of Columbia may be used toward the fulfillment of corresponding qualifications required by this Constitution.

(E) *Debts, Assets, and Records* The debts and liabilities of the District of Columbia, as of the date that the State comes into being, shall be assumed by the State, and debts owed to the District of Columbia shall be collected by the State. Assets and records of the District of Columbia shall become the property of the State.

Section 6. United States Senators and Representatives. (A) *Senators-Elect and Representatives-Elect* The Senators-elect and Representatives-elect chosen by the people prior to admission of the State to the Union shall serve as United States Senators and Representatives in Congress until their successors have assumed office.

(B) *First Elections* New elections for these offices shall be held at the first general election which occurs in an even-numbered year after this Constitution becomes effective.

(C) *Staggered Terms for Senators* At that time, one Senator shall be elected for the long term and one Senator for the short term. Each term shall begin on the third day of the following January and shall expire on the third day of January in an odd-numbered year to be determined by authority of the United States.

Section 7. Agencies With Federally-Appointed Officers. Boards, commissions, or other agencies of the District of Columbia, the duties of which are consistent with this Constitution and the membership of which includes persons who hold office because they also hold or were appointed by persons who hold federal office, shall continue to function without those Federally-appointed officers. No vacancies shall be deemed to be created by the abolition of the Federal positions.

Section 8. Transfer of Matters to the Attorney General. Upon assuming office, the Attorney General of the State shall assume control of all matters formerly handled by the Corporation Counsel of the District of Columbia.

When the Attorney General is prepared to handle legal matters of the type previously handled by the United States Attorney for the District of Columbia, the Attorney General shall arrange with the United States Attorney for the orderly transfer of such matters to the Office of the Attorney General. The House of Delegates may limit the time within which matters shall be transferred.

The Attorney General may agree with the United States Attorney to enable the United States Attorney to continue to handle any case or category of cases, including any case arising after this Constitution becomes effective, so that responsibility over these matters is transferred in an orderly manner. To facilitate continuity, the Attorney General may also agree to permit the United States Attorney to complete any case.

Until a matter is transferred at the request of the Attorney General, it may be handled by the United States Attorney as if it had been transferred to the Attorney General

Section 9. Amendments Before the Constitution Enters into Force. After the voters have approved it and before Article XVII enters into force, amendments to this Constitution may be adopted by the voters of the District of Columbia after affirmative recommendation by a District of Columbia Statehood Constitutional Convention or by a two-thirds vote of the Council of the District of Columbia. This Section shall take effect when the Constitution is approved by the voters.

Source: Statehood Commission, 1982 Constitution

Appendix H: The 2016 Constitution Proposal for the State of Washington, D.C.

A RESOLUTION

21-621

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 18, 2016

To approve a proposed constitution for the State of Washington, D.C. and a proposed boundary between the federal enclave and the State of Washington, D.C. for transmittal to Congress by the Council consistent with the Advisory Referendum on the State of New Columbia Admission Act Resolution of 2016.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Constitution and Boundaries for the State of Washington, D.C. Approval Resolution of 2016”.

Sec. 2. Constitution for the State of Washington, D.C.

Pursuant to section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)), the Council hereby approves the document entitled “The Constitution of the State of Washington, D.C.” dated October 18, 2016, attached and made part of this resolution, for transmittal to Congress by the Council consistent with the Advisory Referendum on the State of New Columbia Admission Act Resolution of 2016, effective July 22, 2016 (Res. 21-570; 63 D.C.R 9627).

Sec. 3. Specific description of metes and bounds for federal enclave.

(a) Pursuant to section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)), the Council hereby approves for transmittal to Congress by the Council the proposed boundary between the federal enclave and the State of Washington, D.C. as recommended by the New Columbia Statehood Commission, as amended by the Council, to read as set forth in subsection (b).

(b)(1) Beginning at the intersection of the southern right-of-way of F Street, N.E., and the eastern right-of-way of 2nd Street, N.E.;

(2) Thence south along the said eastern right-of-way of 2nd Street, N.E., to the eastern right-of-way of 2nd Street, S.E.;

(3) Thence south along the said eastern right-of-way of 2nd Street, S.E., to its intersection with the northern property boundary of the John Adams Building of the Library of Congress;

(4) Thence east along the said northern property boundary of the John Adams Building of the Library of Congress to its intersection with the western right-of-way of 3rd Street, S.E.;

(5) Thence south along the said western right-of-way of 3rd Street, S.E., to its

intersection with the northern right-of-way of Independence Avenue, S.E.;

(6) Thence west along the said northern right-of-way of Independence Avenue,

S.E., to its intersection with the eastern right-of-way of 2nd Street, S.E.;

(7) Thence south along the said eastern right-of-way of 2nd Street, S.E., to its intersection with the southern right-of-way of C Street, S.E.;

(8) Thence west along the said southern right-of-way of C Street, S.E., to its intersection with the eastern right-of-way of 1st Street, S.E.;

(9) Thence south along the said eastern right-of-way of 1st Street, S.E., to its intersection with the southern right-of-way of D Street, S.E.;

(10) Thence west along the said southern right-of-way of D Street, S.E., to its intersection with the western right-of-way of South Capitol Street;

(11) Thence south along the said western right-of-way of South Capitol Street to its intersection with a line extending northwestward the southwestern right-of-way of Canal Street, S.E.;

(12) Thence southeast along the said line extending northwestward the southwestern right-of-way of Canal Street, S.E., to the southwestern right-of-way of Canal Street S.E.;

(13) Thence southeast along the said southwestern right-of-way of Canal Street, S.E., to its intersection with the southern right-of-way of E Street, S.E.;

(14) Thence east along the said southern right-of-way of said E Street, S.E., to its intersection with the western right-of-way of 1st Street, S.E.;

(15) Thence south along the said western right-of-way of 1st Street, S.E., to its intersection with the southern property boundary of the former Congressional House Page Dormitory;

(16) Thence west along the said boundary of the former Congressional House Page Dormitory to its intersection with the southwestern right-of-way of New Jersey Avenue, S.E.;

(17) Thence southeast along the said southwestern right-of-way of New Jersey Avenue, S.E., to its intersection with the northeastern right-of-way of Virginia Avenue, S.E.;

(18) Thence northwest along the said northeastern right-of-way of Virginia Avenue, S.E., to its intersection with the eastern right-of-way of South Capitol Street;

(19) Thence north along the said eastern right-of-way of South Capitol Street to its intersection with the southern right-of-way of E Street, S.E.;

(20) Thence west along a line extending westward the said southern right-of-way of E Street, S.E., to its intersection with the western right-of-way of South Capitol Street;

(21) Thence north along the said western right-of-way of South Capitol Street to its intersection with the southwestern right-of-way of Washington Avenue, S.W.;

(22) Thence northwest along the said southwestern right-of-way of Washington Avenue, S.W., to its intersection with the northern boundary of the railroad track right-of-way;

(23) Thence generally west along the said northern boundary of the railroad track right-of-way to its intersection with the eastern right-of-way of the D Street exit ramp from Interstate 395;

(24) Thence north then northeast along the said eastern right-of-way of the D Street exit ramp from Interstate 395 to its intersection with the southwestern right-of-way of Washington Avenue, S.W.;

(25) Thence northwest along the said southwestern right-of-way of Washington Avenue, S.W., to its intersection with the eastern right-of-way of 2nd Street, S.W.;

(26) Thence south along the said eastern right-of-way of 2nd Street, S.W., to its intersection with the southern right-of-way of the D Street entry ramp to Interstate 395;

(27) Thence east along the said southern right-of-way of the D Street entry ramp to Interstate 395 to its intersection with the western right-of-way of the Virginia Avenue exit ramp from Interstate 395;

(28) Thence generally south then west along the said western then northern right-of-way of the Virginia Avenue exit ramp from Interstate 395 to its intersection with the eastern right-of-way of 2nd Street, S.W.;

(29) Thence south along the said eastern right-of-way of 2nd Street, S.W., to its intersection with a line extending southeastward the southwestern right-of-way of Virginia Avenue, S.W.;

(30) Thence northwest along the said line extending southeastward the southwestern right-of-way of Virginia Avenue, S.W., to the southwestern right-of-way of Virginia Avenue, S.W.;

(31) Thence northwest along the said southwestern right-of-way of Virginia Avenue, S.W., to its intersection with the western right-of-way of 3rd Street, S.W.;

(32) Thence north along the said western right-of-way of 3rd Street, S.W., to its intersection with the northern right-of-way of D Street, S.W.;

(33) Thence west along the said northern right-of-way of D Street, S.W., to its intersection with the eastern right-of-way of 4th Street, S.W.;

(34) Thence north along the said eastern right-of-way of 4th Street, S.W., to its intersection with the northern right-of-way of C Street, S.W.;

(35) Thence west along the said northern right-of-way of C Street, S.W., to its intersection with the eastern right-of-way of 6th Street, S.W.;

(36) Thence north along the said eastern right-of-way of 6th Street, S.W., to its intersection with the northern right-of-way of Independence Avenue, S.W.;

(37) Thence west along the said northern right-of-way of Independence Avenue, S.W., to its intersection with the western right-of-way of 12th Street, S.W.;

(38) Thence south along the said western right-of-way of 12th Street, S.W., to its intersection with the northern right-of-way of D Street, S.W.;

(39) Thence west along the said northern right-of-way of D Street, S.W., to its intersection with the western right-of-way of 14th Street, S.W.;

(40) Thence south then southwest along the said western then northwestern right-of-way of 14th Street, S.W., to the northwestern right-of-way of Interstate 395;

(41) Thence southwest along the said northwestern right-of-way of Interstate 395 to its intersection with the eastern shore of the Potomac River;

(42) Thence generally northwest along the said eastern shore of the Potomac River to its intersection with a line extending westward the northern property boundary of the John F. Kennedy Center for the Performing Arts;

(43) Thence east along the said line extending westward the northern property boundary of the John F. Kennedy Center for the Performing Arts to the northern property boundary of the John F. Kennedy Center for the Performing Arts;

(44) Thence east along the said northern property boundary of the John F. Kennedy Center for the Performing Arts to the northeast corner of the property;

(45) Thence east along a line extending eastward the said northern property

boundary of the John F. Kennedy Center for the Performing Arts to its intersection with the eastern right-of-way of Interstate 66;

(46) Thence south along the said eastern right-of-way of Interstate 66 to the eastern right-of-way of the E Street entrance ramp to Interstate 66;

(47) Thence south then east along the said eastern then northern right-of-way of the E Street entrance ramp to Interstate 66 to the point where the said northern right-of-way of the E Street entrance ramp to Interstate 66 becomes the northern right-of-way of E Street, N.W.;

(48) Thence south across said E Street, N.W., to the southern right-of-way of E Street, N.W.;

(49) Thence east along the said southern right-of-way of E Street, N.W., to its intersection with the western right-of-way of 20th Street, N.W.;

(50) Thence south along the said western right-of-way of 20th Street, N.W., to its intersection with a line extending westward the southern right-of-way of the portion of E Street, N.W., north of Walt Whitman Park;

(51) Thence east along the said line extending westward the southern right-of-way of the portion of E Street, N.W., north of Walt Whitman Park to the southern right-of-way of the portion of E Street, N.W., north of Walt Whitman Park;

(52) Thence east along the said southern right-of-way of the portion of E Street, N.W., north of Walt Whitman Park to its intersection with the western right-of-way of 18th Street, N.W.;

(53) Thence south along the said western right-of-way of 18th Street, N.W., to its intersection with the southwestern right-of-way of Virginia Avenue, N.W.;

(54) Thence southeast along the said southwestern right-of-way of Virginia Avenue, N.W., to its intersection with the southern right-of-way of Constitution Avenue, N.W.;

(55) Thence east along the said southern right-of-way of Constitution Avenue, N.W., to its intersection with the eastern right-of-way of 17th Street, N.W.;

(56) Thence north along the said eastern right-of-way of 17th Street, N.W., to its intersection with the southern right-of-way of H Street, N.W.;

(57) Thence east along the said southern right-of-way of H Street, N.W., to its intersection with the eastern boundary of the unnamed alley on the southern side of the 1500 block of H Street, N.W.;

(58) Thence generally south along the eastern boundary of the said unnamed alley to its southern boundary;

(59) Thence west along the southern boundary of the said unnamed alley to its intersection with the westernmost boundary of the property designated as Lot 810 in Square 221;

(60) Thence south along the said westernmost boundary of the property designated as Lot 810 in Square 221 to its intersection with the northern right-of-way of Pennsylvania Avenue, N.W.;

(61) Thence east along the said northern right-of-way of Pennsylvania Avenue, N.W., to its intersection with the western right-of-way of 15th Street, N.W.;

(62) Thence south along the said western right-of-way of 15th Street, N.W., to its intersection with a line extending westward the southern right-of-way of the portion of Pennsylvania Avenue, N.W., north of Pershing Square;

(63) Thence east along the said line extending the southern right-of-way of the portion of Pennsylvania Avenue, N.W., north of Pershing Square to the southern right-of-way of

the portion of Pennsylvania Avenue, N.W., north of Pershing Square;

(64) Thence east then southeast along the said southern right-of-way of Pennsylvania Avenue, N.W., to its intersection with the western right-of-way of 14th Street, N.W.;

(65) Thence south along the said western right-of-way of 14th Street, N.W., to its intersection with a line extending westward the southern right-of-way of D Street, N.W.;

(66) Thence east along the said line extending westward the southern right-of-way of D Street, N.W., to the southern right-of-way of D Street, N.W.;

(67) Thence east along the said southern right-of-way of D Street, N.W. to its intersection with the eastern right-of-way of 13½th Street, N.W.;

(68) Thence north along the said eastern right-of-way of 13½th Street, N.W., to its intersection with the southern right-of-way of Pennsylvania Avenue, N.W.;

(69) Thence east then southeast along the said southern then southwestern right-of-way of Pennsylvania Avenue, N.W., to its intersection with the western right-of-way of 12th Street, N.W.;

(70) Thence south along the said western right-of-way of 12th Street, N.W., to its intersection with a line extending westward the southern boundary of the property designated as Lot 809 in Square 324;

(71) Thence east along the said line extending westward the southern boundary of the property designated as Lot 809 in Square 324 to the southwest corner of the said property designated as Lot 809 in Square 324;

(72) Thence northeast along the southern boundary of the said property designated as Lot 809 in Square 324 to its intersection with the southern boundary of the property designated as Lot 802 in Square 323;

(73) Thence northeast then east along the southern boundary of the said property designated as Lot 802 in Square 323 to a point where it meets the southern boundary of the property designated as Lot 808 in Square 324;

(74) Thence east along the southern boundary of the said property designated as Lot 808 in Square 324 to the southeast corner of the said property designated as Lot 808 in Square 324;

(75) Thence generally north along the eastern boundary of the said property designated as Lot 808 in Square 324 to its intersection with the southern right-of-way of Pennsylvania Avenue, N.W.;

(76) Thence southeast along the said southern right-of-way of Pennsylvania Avenue, N.W., to its intersection with the eastern right-of-way of 4th Street, N.W.;

(77) Thence north along a line extending northward the said eastern right-of-way of 4th Street, N.W., to its intersection with the southern right-of-way of C Street, N.W.;

(78) Thence east along the said southern right-of-way of C Street, N.W., to its intersection with the eastern right-of-way of 3rd Street, N.W.;

(79) Thence north along the said eastern right-of-way of 3rd Street, N.W., to its intersection with the southern right-of-way of D Street, N.W.;

(80) Thence east along the said southern right-of-way of D Street, N.W., to its intersection with the western right of way of 1st Street, N.W.;

(81) Thence south along the said western right-of-way of 1st Street, N.W., to its intersection with the northern right-of-way of C Street, N.W.;

(82) Thence west along the said northern right-of-way of C Street, N.W., to its intersection with the western right-of-way of 2nd Street, N.W.;

(83) Thence south along the said western right-of-way of 2nd Street, N.W., to its intersection with the northern right-of-way of Constitution Avenue, N.W.;

(84) Thence east along the said northern right-of-way of Constitution Avenue, N.W., to its intersection with the northwestern right-of-way of Louisiana Avenue, N.W.;

(85) Thence northeast along the said northwestern right-of-way of Louisiana Avenue, N.W., to its intersection with the southwestern right-of-way of New Jersey Avenue, N.W.;

(86) Thence northwest along the said southwestern right-of-way of New Jersey Avenue, N.W., to its intersection with the northern right-of-way of D Street, N.W.;

(87) Thence east along the said northern right-of-way of D Street, N.W., to its intersection with the northwestern right-of-way of Louisiana Avenue, N.W.;

(88) Thence northeast along the said northwestern right-of-way of Louisiana Avenue, N.W., to its intersection with the western right-of-way of North Capitol Street;

(89) Thence north along the said western right-of-way of North Capitol Street to its intersection with the southwestern right-of-way of Massachusetts Avenue, N.W.;

(90) Thence southeast along the said southwestern right-of-way of Massachusetts Avenue, N.W. to the southwestern right-of-way of Massachusetts Avenue, N.E.;

(91) Thence southeast along the said southwestern right-of-way of Massachusetts Avenue, N.E. to the southwestern right-of-way of Columbus Circle, N.E.;

(92) Thence counter-clockwise along the said southwestern, then southern, southeastern, and eastern right-of-way of Columbus Circle, N.E., to its intersection with the southern right-of-way of F Street, N.E.;

(93) Thence east along the said southern right-of-way of F Street, N.E., to the point of beginning.

Sec. 4. Transmittal.

The Council shall transmit a copy of this resolution, upon its becoming effective, to the New Columbia Statehood Commission, the Speaker of the United States House of Representatives, and the President of the United States Senate.

Sec. 5. Effective date.

This resolution shall take effect only upon certification by the District of Columbia Board of Elections of a plurality vote of “yes” on the question of whether the Council should petition Congress to enact a statehood admission act, which shall be asked of the electorate on November 8, 2016 pursuant to the Advisory Referendum on the State of New Columbia Admission Act Resolution of 2016, effective July 22, 2016 (Res. 21-570; 63 D.C.R 9627), and publication in the District of Columbia Register.

The Constitution of the State of Washington, D.C.

Approved by the Council of the District of Columbia
October 18, 2016

PREAMBLE

Whereas, We the people of the District of Columbia desire to become a state of the United States of America, where, like citizens of the other states, we will enjoy the full rights of citizenship of the United States of America: to democracy and a republican form of government, to enact our own laws governing state affairs, and to voting representation in the United States Congress.

Now, Therefore, We the People of the District of Columbia do adopt this Constitution, to be known as the Constitution of the State of Washington, D.C. (D.C. meaning "Douglass Commonwealth"), to establish the means of self-governance of the State of Washington, D.C. and to take our place, irrevocably, as a state among the states comprising the United States of America.

BILL OF RIGHTS

I. Freedom of religion, of speech, and of the press

The State of Washington, D.C. shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

II. Right to keep and bear arms

A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

III. Quartering of soldiers

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

IV. Security from unwarrantable search and seizure

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

V. Rights of accused in criminal proceedings

No person shall be held to answer for a felony offense, unless on a presentment or indictment of a grand jury; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against oneself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

VI. Right to a speedy jury trial, witnesses, assistance of counsel

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against the accused; to have compulsory process for obtaining witnesses in favor of the accused, and to have the assistance of counsel for defense of the accused. Where the potential sentence exceeds 180 days, the accused shall enjoy the right to trial by an impartial jury.

VII. Trial by jury in civil cases

In suits at common law, where the value in controversy shall exceed five thousand dollars or such greater amount as set by the Superior Court of the State of Washington, D.C., the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the State of Washington, D.C., than according to the rules of the common law.

VIII. Bails, fines, and punishments

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

IX. Reservation of the rights of the people

The enumeration in this Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

X. Equal protection

The State of Washington, D.C. shall not deny to any person the equal protection of the laws.

ARTICLE I
THE LEGISLATIVE BRANCH

Section

1. Legislative power
2. Composition; election of members; vacancies
3. Qualifications for holding office
4. Acts; resolutions; procedures; and specific authorities
5. Speaker of the Legislative Assembly
6. Legislative districts
7. Advisory Neighborhood Commissions
8. Auditor

Sec. 1. Legislative power

The legislative power of the State of Washington, D.C. shall be vested in a legislature to be known as the Legislative Assembly, and shall extend to all rightful subjects of legislation within the State of Washington, D.C., consistent with the Constitution of the United States of America and the provisions of this Constitution.

Sec. 2. Composition; election of members; vacancies

- a. The Legislative Assembly shall consist of 21 members:
 1. The Speaker of the Legislative Assembly, who shall be elected on a partisan basis at large by the qualified voters of the State of Washington, D.C.
 2. Four members shall be elected on a partisan basis at large by the qualified voters of the State of Washington, D.C.
 3. Sixteen members shall be elected on a partisan basis, 2 by the qualified voters of each of the 8 legislative districts of the State of Washington, D.C.
- b. A member of the Legislative Assembly shall be known as a Representative.
- c. The term of office for Representatives shall be 4 years, and shall begin at noon on January 2nd of the year following a Representative's election. Representatives shall be elected in accordance with the schedule established pursuant to Article VIII, Sec. 1(b) of this Constitution.
- d. The Legislative Assembly may establish its committee structure by Resolution.
- e. By a 4/5 vote of its Representatives, the Legislative Assembly may adopt a Resolution of expulsion of one of its Representatives, if it finds, based on substantial evidence, that the Representative took an action that amounts to a gross failure to meet the applicable standards of personal and professional conduct.

- f. (1) In the event of a vacancy in the Legislative Assembly of a Representative elected from a legislative district, the Board of Elections shall hold a special election in the district. The person elected as a Representative to fill a vacancy in the Legislative Assembly shall take office not later than the second day following the day on which the Board of Elections certifies the election, and shall serve as a Representative of the Legislative Assembly only for the remainder of the term during which such vacancy occurred, unless re-elected in a subsequent election. (2) In the event of a vacancy in the Office of Speaker of the Legislative Assembly not caused by a vacancy in the Office of Governor, the Legislative Assembly shall select by majority vote a Representative elected at large who shall serve as Speaker of the Legislative Assembly, until certification by the Board of Elections of the election of a successor in a special election to fill such vacancy. (3) In the event of a vacancy in the Legislative Assembly of a Representative elected at large who is affiliated with a political party, the state committee of such political party shall appoint a person to fill such vacancy until certification by the Board of Elections of the election of a successor in a special election to fill such vacancy. The person appointed to fill such vacancy shall take office within 2 days of the appointment. With respect to a vacancy of a Representative elected at large who is not affiliated with any political party, the Legislative Assembly shall appoint a similarly non-affiliated person to fill such vacancy until certification by the Board of Elections of the election of a successor in a special election to fill such vacancy. Such person appointed by the Legislative Assembly shall take office within 2 days of the appointment.

Sec. 3. Qualifications for holding office

- a. No person shall hold the office of Representative of the Legislative Assembly, unless that person: (1) is a qualified voter of the State of Washington, D.C.; (2) resides in and is domiciled in the State of Washington, D.C. and if nominated for election from a particular legislative district, resides in the district from which that person is nominated; (3) has resided and been domiciled in the State of Washington, D.C. for one year immediately preceding the day on which the general or special election for such office is to be held; and (4) holds no public office (other than Representative of the Legislative Assembly), for which that person is compensated in an amount in excess of actual expenses incurred in connection therewith. Nothing in this clause shall prohibit any person, while a Representative of the Legislative Assembly, from serving as an official or delegate to a convention of a political party.
- b. The Speaker of the Legislative Assembly shall not engage in any outside employment, whether as an employee or through self-employment, or hold any position, other than Speaker of the Legislative Assembly, for which that person is compensated in excess of actual expenses incurred in connection therewith.
- c. A Representative of the Legislative Assembly shall forfeit the office upon failure to maintain the qualifications required by this section or upon conviction of a felony.

Sec. 4. Acts; resolutions; procedures; specific authorities

- a.
 - (1) The Legislative Assembly, to discharge the powers and duties imposed herein, shall pass Acts, adopt Resolutions, and adopt rules, upon a vote of a majority of the members of the Legislative Assembly present and voting, unless a greater proportion of members is required by this Constitution.
 - (2) Except as provided in paragraph (4) of this subsection, the Legislative Assembly shall use Acts for all legislative purposes.
 - (3) The Legislative Assembly shall hold 2 readings for all Acts, except upon declaration by two-thirds of its members of exigent circumstances, in which case such Act shall only be effective for a period not to exceed 90 days.
 - (4) Resolutions shall be used: (A) to express simple determinations, decisions, or directions of the Legislative Assembly of a special or temporary character; and (B) to approve or disapprove proposed actions as authorized by an Act of the Legislative Assembly or of a kind historically or traditionally transmitted to the Council of the District of Columbia under the laws of the former District of Columbia. Such Resolutions must be specifically authorized by Act and must be designed to implement that Act.
 - (5) Resolutions may be approved upon a single reading and may take effect immediately upon such approval.
- b. Proposed Acts and proposed Resolutions shall be made promptly available to the public. Every Act shall be published upon becoming law, and Resolutions shall be published promptly after approval by the Legislative Assembly. The Legislative Assembly shall adopt and publish rules of procedure which shall include provision for adequate public notice of intended actions of the Legislative Assembly.
- c. An Act adopted by the Legislative Assembly shall be presented by the Speaker of the Legislative Assembly to the Governor, who shall, within 10 calendar days after the Act is presented, either approve or disapprove such Act. To approve an Act, the Governor shall affix the Governor's signature to it, and such Act shall become law. To disapprove such Act, the Governor shall, within 10 calendar days after it is presented to the Governor, return such Act to the Legislative Assembly setting forth in writing the reasons for such disapproval. If any Act so adopted shall not be returned to the Legislative Assembly by the Governor within 10 calendar days after being presented to the Governor, the Governor shall be deemed to have approved it, and such Act shall become law unless the Legislative Assembly, when in a recess of 10 days or more, prevents its return, in which case it shall not become law.
- d. If, within 30 calendar days after an Act has been timely returned by the Governor to the Legislative Assembly with the Governor's disapproval, two-thirds of the members of the Legislative Assembly present and voting vote to reenact such Act, the Act shall become law without the Governor's signature.

- e. (1) In the case of any Budget Act adopted by the Legislative Assembly and submitted to the Governor, the Governor shall have power to disapprove any items or provisions, or both, and approve the remainder. To exercise such disapproval, the Governor shall append to the signed Act a statement indicating the items or provisions that the Governor disapproves, and shall, within such 10-day period, return a copy of the Act and statement to the Legislative Assembly. If the Governor fails to return any such item or provision so disapproved to the Legislative Assembly within such 10-day period, such item or provision shall be deemed approved.
- e. (2) If, within 30 calendar days after any such Budget Act has been timely returned by the Governor to the Legislative Assembly, two-thirds of the members of the Legislative Assembly present and voting vote to reenact any such item or provision, it shall become law.
- f. All Acts shall become effective and enforceable 60 days after enactment unless another date is specified in the Act or other law.
- g. By Act, the Legislative Assembly shall have authority to create or abolish any office, agency, department, or instrumentality of the State of Washington, D.C. not established in this Constitution, and to define the powers, duties, and responsibilities of any such office, agency, department, or instrumentality.
- h. The Legislative Assembly, or any Committee or person authorized by it, shall have the power, as otherwise authorized by the rules of the Legislative Assembly, to investigate any matter relating to the affairs of the State of Washington, D.C., and for that purpose may issue subpoenas and administer oaths to require the attendance and testimony and the production of evidence. In conducting a lawful investigation, the Legislative Assembly or one of its Committees may seek enforcement of any subpoena it issues in the Superior Court of the State of Washington, D.C.
- i. The Legislative Assembly may, by Resolution, call for an advisory referendum upon any matter upon which the Legislative Assembly desires to take action.
- j. A majority of the number of non-vacant seats of the Legislative Assembly shall constitute a quorum for the transaction of business.
- k. The Legislative Assembly may establish by its rules what number of members constitutes a quorum for holding hearings or voting in a committee of the Legislative Assembly.
- l. Each 10 calendar day period referenced in this section excludes Saturdays, Sundays, and legal holidays.

Sec. 5. Speaker of the Legislative Assembly

- a. The Speaker of the Legislative Assembly shall be the presiding officer and chief executive officer of the Legislative Assembly.
- b. When the Office of Governor is vacant, the Speaker of the Legislative Assembly shall act in the Governor's stead. While acting as Governor, the Speaker of the Legislative Assembly shall not exercise any authority as Speaker of the Legislative Assembly or as a member of the Legislative Assembly. While the Speaker of the Legislative Assembly is acting as Governor, the Legislative Assembly shall select one of the elected at-large members of the Legislative Assembly to serve as Speaker, until the return of the elected Speaker of the Legislative Assembly.

Sec. 6. Legislative districts

The boundaries of the legislative districts shall be established from time to time, at least decennially, by an Act of the Legislative Assembly. Each legislative district shall consist of contiguous territory, be compact in form, and be of substantially equal population to the other legislative districts.

Sec. 7. Advisory Neighborhood Commissions

- a. The Legislative Assembly shall by Act divide the State of Washington, D.C. into neighborhood commission areas, which areas shall be represented by an elected advisory neighborhood commission. Members of each advisory neighborhood commission shall be known as Advisory Neighborhood Commissioners and shall be elected from a single-member district on a nonpartisan basis.
- b. No person shall hold the office of Advisory Neighborhood Commissioner unless that person: (1) is domiciled in the State of Washington, D.C. and resides in the single-member district from which that person is nominated; (2) is a qualified voter of the State of Washington, D.C.; and (3) has resided and been domiciled in the State of Washington, D.C. for 1 year immediately preceding the day on which the general or special election for such office is to be held.
- c. Each advisory neighborhood commission may: (1) advise the Legislative Assembly and the Executive Branch on matters of public policy, which advice shall be given great weight; (2) employ staff and expend public funds as authorized by the annual budget for the State of Washington, D.C. for public purposes within its neighborhood commission area; and (3) have such other advisory powers and responsibilities as the Legislative Assembly may establish by Act.
- d. An Advisory Neighborhood Commissioner shall not be compensated in excess of actual expenses incurred in connection with the discharge of his or her duties.

Sec. 8. Auditor

- a. There is established for the State of Washington, D.C. the Office of the Auditor to be headed by an Auditor who shall be appointed by the Speaker of the Legislative Assembly, subject to the approval of a majority of the Legislative Assembly. The Auditor shall serve for a term of 6 years and shall be paid at a rate of compensation as may be established from time to time by the Legislative Assembly, not to exceed the rate of pay of the Speaker of the Legislative Assembly.
- b. The Auditor may conduct audits and investigations of the accounts and operations of the government of the State of Washington, D.C. in accordance with such principles and procedures and under such rules and regulations as the Auditor may prescribe. Such audits and investigations shall include those required by law and such others as may be referred to it by the Legislative Assembly. In the determination of the auditing procedures to be followed and the extent of the examination of vouchers and other documents and records, the Auditor shall give due regard to generally accepted principles of auditing including the effectiveness of the accounting organizations and systems, internal audit and control, and related administrative practices.
- c. The Auditor shall have access to all books, accounts, records, reports, findings and other papers, things, or property belonging to or in use by any department, agency, or other instrumentality of the State of Washington, D.C. necessary to facilitate the audit. Release of information by the Auditor shall be subject to the restrictions as are applicable to the agency from which the Auditor obtained the information.
- d. The Auditor shall submit audit reports to the Legislative Assembly, the Governor, and other independent executive offices. Such reports shall set forth the scope of the audit and shall include such comments and information as the Auditor may deem necessary to keep the Legislative Assembly, Governor, and independent executive offices informed of the operations to which the reports relate, together with such recommendations with respect thereto as the Auditor may deem advisable.
- e. The Auditor shall make such reports, together with such other material as the Auditor deems pertinent thereto, available for public inspection.
- f. The Governor or independent executive offices shall state in writing to the Legislative Assembly, within an appropriate time, what action has been taken to effectuate the recommendations made by the Auditor.
- g. The Auditor may be removed for cause by two-thirds vote of the Legislative Assembly. The appointment of a successor, or to otherwise fill a vacancy, shall be for a term of 6 years.

ARTICLE II
THE EXECUTIVE BRANCH

Part 1. Executive power

Part 2. The Governor

Section

1. Election of Governor
2. Qualifications for holding office; vacancy; compensation
3. Powers and duties of the Governor

Part 3. Independent executive entities.

Section

1. Office of Attorney General
2. Office of the Chief Financial Officer
3. State Board of Education
4. Board of Elections.

Part 1. Executive power

The executive power of the State of Washington, D.C. shall be vested in the Governor and the independent executive offices established herein.

Part 2. The Governor

Sec. 1. Election of Governor

The Governor shall be elected on a partisan basis by the qualified voters of the State of Washington, D.C. for a term of 4 years beginning at noon on January 2nd of the year following that person's election. The Governor shall be elected in even years, when there is no federal presidential election.

Sec. 2. Qualifications for holding office; vacancy; compensation

- a. (1) No person shall hold the Office of Governor unless that person: (A) is a qualified voter of the State of Washington, D.C.; (B) resides in and is domiciled in the State of Washington, D.C.; (C) has resided and been domiciled in the State of Washington, D.C. for 1 year immediately preceding the day on which the general or special election for Governor is to be held; and (D) is not engaged in any employment (whether as an employee or as a self-employed individual) and holds no public office or position (other than employment as Governor), for which that person is compensated in an amount in excess of actual expenses incurred in connection therewith, except that nothing in this clause shall be construed as prohibiting such person, while holding the Office of Governor, from serving as an official or delegate of a political party.

- (2) To fill a vacancy in the Office of Governor, the Board of Elections shall hold a special election at least 70 days, and not more than 174 days, after such vacancy occurs, unless it determines that such vacancy could be more practicably filled in a special election held on the same day as the next general election to be held in the State of Washington, D.C. The person elected Governor to fill a vacancy in the Office of Governor shall take office on the day the Board of Elections certifies the election, and shall serve as Governor for the remainder of the term during which such vacancy occurred unless re-elected in a subsequent election. When the Office of Governor becomes vacant, the Speaker of the Legislative Assembly shall become acting Governor and shall serve from the date such vacancy occurs until the date on which the Board of Elections certifies the election of the new Governor, at which time the acting Governor shall again become Speaker of the Legislative Assembly. While the Speaker of the Legislative Assembly is acting Governor, that person shall receive the compensation regularly paid the Governor, and shall receive no compensation as Speaker or Representative of the Legislative Assembly.
- b. Should vacancies arise simultaneously for both the Speaker of the Legislative Assembly and the Governor, the order of succession shall be the at-large members of the Legislative Assembly in order of seniority of continuous service, followed by the Attorney General. Temporary or partial incapacity, or short periods of unavailability, shall not constitute a vacancy nor trigger a special election.
- c. The Governor shall receive compensation, payable in equal installments, at a rate of pay established by Act. The Legislative Assembly shall not reduce the salary of an incumbent Governor. Any changes in the Governor's compensation, upon enactment by the Legislative Assembly, shall apply beginning with the next gubernatorial term after the effective date of such Act.
- d. The Governor shall forfeit the office upon failure to maintain qualifications required by this section or upon conviction of a felony.

Sec. 3. Powers and duties of the Governor

The Governor shall be the chief executive officer of the State of Washington, D.C. government. The Governor shall be responsible for the faithful execution of the laws of the State of Washington, D.C. and for the proper administration of the affairs of the State of Washington, D.C. coming under the Governor's jurisdiction or control, including but not limited to the following powers, duties, and functions:

- a. The Governor may appoint an Administrator and Chief Operating Officer, who shall serve at the pleasure of the Governor, who shall assist the Governor in carrying out the Governor's functions under this Constitution, and whose salary shall be set by the Governor consistent with any applicable law.

- b. The Governor may designate the officer or officers of the executive branch of the State of Washington, D.C., who may, during periods of the Governor's absence from the State of Washington, D.C., or due to the temporary or partial incapacity of the Governor, execute and perform the powers and duties of the Governor.
- c. The Governor shall administer the personnel functions of the executive branch of the State of Washington, D.C. except for the independent executive entities, including all laws relating to the appointment, promotion, duties, discipline, separation, and other conditions of employment of personnel in the Office of the Governor, personnel in departments of the State of Washington, D.C., and members and employees of boards, offices, commissions, and other agencies.
- d. The Governor shall, through the heads of administrative boards, offices, commissions, and agencies, supervise and direct the activities of such boards, offices, commissions, and agencies.
- e. The Governor may submit proposed Acts and Resolutions to the Legislative Assembly.
- f. The Governor may delegate any of the Governor's functions (other than the function of approving or disapproving Acts passed by the Legislative Assembly or the power to grant pardons) to any officer, employee, or agency of the executive office of the Governor, or to any director of an executive department who may, with the approval of the Governor, make a further delegation of all or a part of such functions to subordinates under that person's jurisdiction.
- g. The Governor shall be the custodian of the corporate seal of the State of Washington, D.C. and shall use and authenticate it in accordance with law.
- h. The Governor shall have the right to be heard by the Legislative Assembly or any of its committees under rules to be adopted by the Legislative Assembly.
- i. The Governor may issue and enforce administrative orders, not inconsistent with this Constitution or with any statute, to carry out the Governor's functions and duties.
- j. The Governor may, by reorganization order, reorganize the offices, agencies, and other entities within the executive branch of the government of the State of Washington, D.C. except where such reorganization is inconsistent with statute.
- k. The Governor shall have plenary power to grant pardons, commutations, and reprieves, and to remit, forgive, or reduce fines and forfeitures, for all offenses against the laws of the State of Washington, D.C.
- l. To advance the general welfare and provide for public safety, and consistent with federal law, the Governor may enter into compacts and agreements with other states and

localities, the federal government, and federal instrumentalities; and may enter into agreements with foreign nations, cities, or businesses; provided, that any financial obligations of such compacts and agreements shall be approved by the Legislative Assembly under rules to be adopted by the Legislative Assembly.

- m. The Governor shall be the primary planning authority for the State of Washington, D.C.
- n. The Governor shall be the Commander-in-Chief over the National Guard of the State of Washington, D.C.
- o. The Governor shall have charge of the administration of the financial affairs of the State of Washington, D.C., except authority assigned by this Constitution to the Chief Financial Officer, and shall have authority to examine and approve all contracts, orders, and other documents by which the State of Washington, D.C. incurs financial or other obligations.

Part 3. Independent executive agencies.

Sec. 1. Office of Attorney General

- a. There is established within the executive branch of the State of Washington, D.C. government an independent Office of the Attorney General for the State of Washington, D.C. headed by an Attorney General. The Attorney General shall be elected by the qualified voters of the State of Washington, D.C., on a partisan basis, for a term of 4 years beginning at noon on January 2 of the year following that person's election. The term of office of the Attorney General shall coincide with the term of office of the Governor.
- b. (1) When the position of Attorney General becomes vacant, the Chief Deputy Attorney General shall become the Acting Attorney General and shall serve until the date the Board of Elections certifies the election of the new Attorney General, at which time the Acting Attorney General shall again become the Chief Deputy Attorney General. While the Chief Deputy Attorney General is Acting Attorney General, that person shall receive the compensation regularly paid the Attorney General, and shall receive no compensation as Chief Deputy Attorney General. (2) To fill a vacancy in the position of Attorney General, the Board of Elections shall hold a special election at least 70 days, and not more than 174 days, after such vacancy occurs, unless it determines that such vacancy could be more practicably filled in a special election held on the same day as the next general election to be held in the State of Washington, D.C. The person elected Attorney General to fill a vacancy in the Office of the Attorney General shall take office on the day on which the Board of Elections certifies the election, and shall serve as Attorney General for the remainder of the term during which such vacancy occurred.

- c. The Attorney General is the chief law officer of the State of Washington, D.C. and shall have charge and conduct of all criminal prosecutions of the State of Washington, D.C. and all suits instituted by and against the government thereof. The Attorney General shall possess all powers afforded the Attorney General by the common and statutory law of the State of Washington, D.C., and shall be responsible for upholding the public interest. The Attorney General shall have the power to control litigation and appeals, as well as the power to intervene in legal proceedings on behalf of the public interest.
- d. The Attorney General may furnish opinions in writing on the Attorney General's initiative or when requested to do so by the Governor or the Legislative Assembly.
- e. The administration, organization, and operation of the Office of the Attorney General shall be under the jurisdiction and control of the Attorney General. The Attorney General's duties shall include supervising and directing the activities of the Office, administering the personnel functions of the Office (including all laws relating to the appointment, promotion, duties, discipline, separation, and other conditions of employment of personnel), reorganizing the Office, and approving contracts, orders, and other documents by which the State of Washington, D.C. incurs financial or other obligations for the Office of the Attorney General.
- f. The Attorney General shall receive compensation, payable in equal installments, at a rate of pay established by Act. The Legislative Assembly shall not reduce the salary of an incumbent Attorney General. Any changes in the Attorney General's compensation, upon enactment by the Legislative Assembly, shall apply beginning with the next Attorney General's term after the effective date of such Act.

Sec. 2. Office of the Chief Financial Officer

- a. There is established within the executive branch of the State of Washington, D.C. government an independent Office of the Chief Financial Officer for the State of Washington, D.C. headed by the Chief Financial Officer of the State of Washington, D.C.
- b. The Chief Financial Officer for the State of Washington, D.C. shall be appointed by the Governor with the advice and consent, by Resolution, of the Legislative Assembly. The Chief Financial Officer shall be appointed for a term of 5 years. Any Chief Financial Officer may continue to serve beyond the appointed term until a successor takes office.
- c. If there is a vacancy in the Office of the Chief Financial Officer as a consequence of resignation, permanent disability, death, or other reason, the Governor shall appoint one of the Deputy Chief Financial Officers to serve as the Chief Financial Officer in an acting capacity. The Governor shall promptly nominate a person to serve as Chief Financial Officer, for the remainder of the term during which the vacancy occurred; provided, that the Governor shall submit the nomination to the Legislative Assembly for its approval as provided in subsection (b) of this section.

- d. The Chief Financial Officer may be removed only for cause by the Governor, subject to the approval of the Legislative Assembly by a Resolution approved by not fewer than 2/3 of the members of the Legislative Assembly present and voting.
- e. The administration, organization, and operation of the Office of the Chief Financial Officer shall be under the jurisdiction and control of the Chief Financial Officer. The Chief Financial Officer's duties shall include supervising and directing the activities of the Office, administering the personnel functions of the Office (including all laws relating to the appointment, promotion, duties, discipline, separation, and other conditions of employment of personnel), and reorganizing the Office.
- f. The Chief Financial Officer shall, under the direction of the Governor, prepare the budgets and financial plans for the State of Washington, D.C. for submission by the Governor to the Legislative Assembly.
- g. The Chief Financial Officer shall: (1) assure that all financial information submitted by the Governor to the Legislative Assembly or for any other official purpose is accurate and complete; (2) prepare and submit to the Governor and the Legislative Assembly and make public annual fiscal-year estimates of all revenue for the State of Washington, D.C. and quarterly re-estimates of the revenues of the State of Washington, D.C. during the fiscal year; (3) supervise and assume responsibility for financial transactions to ensure adequate control over revenues and resources; (4) maintain systems of accounting and internal controls designed to provide full disclosure of the impact of the activities of the State of Washington, D.C. government, adequate financial information necessary for management purposes, effective control over and accountability for all funds, property, and other assets of the State of Washington, D.C., and reliable accounting results to serve as the basis for preparing and supporting agency budget requests and controlling the execution of the budget; (5) submit to the Legislative Assembly a financial statement containing such details and at such times as the Legislative Assembly may specify; (6) supervise and assume responsibility for the assessment of all property subject to assessments and taxes, which includes preparing tax maps, and providing notice of taxes and special assessments; (7) supervise and assume responsibility for the levying and collection of all taxes, special assessments, licensing fees, and other revenues of the State of Washington, D.C. and receiving all amounts paid to it; (8) maintain custody of all public funds; (9) apportion funds made available so as to prevent deficiencies or a need for supplemental appropriations; (10) certify all contracts and leases prior to execution as to the availability of funds; (11) determine the regularity, legality, and correctness of bills, invoices, payrolls, claims, demands, or charges; (12) supervise and administer all borrowing programs; (13) administer the cash management program of the State of Washington, D.C.; (14) administer such payroll and retirement systems as the Legislative Assembly may by Act assign to it; (15) govern the accounting policies and systems of the State of Washington, D.C.; (16) timely prepare yearly, quarterly, and monthly financial reports of the accounting and financial operations of the State of Washington, D.C.; (17) prepare fiscal impact statements on such regulations, multiyear contracts, agreements, and proposed legislation as the Governor and Legislative Assembly may require by

request or Act; (18) certify all collective bargaining agreements and nonunion pay proposals as to the availability of funds before submission to the Legislative Assembly, and prepare any financial analysis requested by the Governor of proposed terms or agreements.

Sec. 3. The State Board of Education

a. Composition; elections

1. The State Board of Education shall consist of one member elected from each legislative district and one elected at large. By Act, the length of terms and provisions for addressing vacancies may be established.
2. A President and Vice President of the State Board of Education shall be elected from among the members of the State Board of Education.

b. Powers

1. The State Board of Education shall be responsible for advising the Governor and Legislative Assembly on educational matters, including state standards, state policies, including those governing special, academic, vocational, charter, and other schools, state objectives, and state regulations.
2. By Act, the Legislative Assembly may establish which educational matters shall be subject to the approval of the State Board of Education.

Sec. 4. Board of Elections

The authority to manage and supervise elections, initiatives, referenda, and recalls provided under this constitution shall be vested in the Board of Elections. The Legislative Assembly shall, by Act, provide for the composition, method of selection, and procedures for the Board of Elections to use in carrying out its duties.

ARTICLE III THE JUDICIAL BRANCH

Section

1. Judicial power
2. Nomination and appointment to the State of Washington, D.C. Courts
3. Qualification for nomination and appointment; removal; compensation
4. Powers of the State of Washington, D.C. Courts
5. Designation of Chief Judges

Sec. 1. Judicial power

The judicial power of the State of Washington, D.C. is vested in the State of Washington, D.C. Court of Appeals, the Superior Court of the State of Washington, D.C., and such other courts as may be established by Act. The jurisdiction of the courts shall be established by Act. Collectively these shall be referred to as the State of Washington, D.C. Courts.

Sec. 2. Nomination and appointment to the State of Washington, D.C. Courts

- a. The Governor shall nominate, from the list of persons recommended by the State of Washington, D.C. Judicial Nomination Commission, and, by and with the advice and consent of the Legislative Assembly, by Resolution, appoint all judges of the State of Washington, D.C. Courts.
- b. A judge appointed to the State of Washington, D.C. Courts shall be appointed for a term of 15 years, unless removed or suspended, and upon completion of such term, such judge shall continue to serve until reappointed or a successor is appointed and is sworn in. A judge who is found well-qualified by the Commission on Judicial Disabilities and Tenure shall be reappointed.
- c. The Legislative Assembly shall, by law, provide for the composition, method of selection, and procedures for the State of Washington, D.C. Judicial Nomination Commission to use in carrying out its duties under this Article.

Sec. 3. Qualification for nomination and appointment; removal; compensation

- a. No person may be nominated or appointed as a judge of the State of Washington, D.C. Courts unless that person:
 1. Has resided and been domiciled in the State of Washington, D.C. for at least 1 year prior to nomination;
 2. Is an active member of the unified bar created pursuant to the rules of the State of Washington, D.C. Court of Appeals and has been active in that bar for at least 5 years; and
 3. Is recommended to the Governor, for such nomination and appointment, by the State of Washington, D.C. Judicial Nomination Commission.
- b. Judges may not be removed or sanctioned for the good-faith legal determinations they render. A judge of the State of Washington, D.C. Courts shall be removed from office upon a final judgment of conviction of a crime that is punishable as a felony under federal law or that would be a felony in the State of Washington, D.C. or a determination, following a process established by law, of:
 1. Willful misconduct in office;
 2. Willful and persistent failure to perform judicial duties;

3. Any other conduct that is prejudicial to the administration of justice or that brings the judicial office into disrepute;
 4. Failure to maintain residency in the State of Washington, D.C.; or
 5. A mental or physical incapacity (including habitual intemperance) that is or is likely to become permanent and that prevents, or seriously interferes with, the proper performance of that person's judicial duties.
- c. The authority to reappoint, remove, or sanction a judge of the State of Washington, D.C. Courts as provided in this Article shall be vested in a Commission on Judicial Disabilities and Tenure. The Legislative Assembly shall, by law, provide for the composition, method of selection, and procedures for the Commission on Judicial Disabilities and Tenure to use in carrying out its duties under this Article.
- d. All Judges of the State of Washington, D.C. Courts shall receive compensation, payable in equal installments, at a rate of pay established by Act. The Legislative Assembly shall not reduce the salary of Judges. Any changes in the Judges' compensation, upon enactment by the Legislative Assembly, shall apply after the effective date or the applicability date of such Act, whichever is later.

Sec. 4. Powers of the State of Washington, D.C. Courts

The Superior Court of the State of Washington, D.C. shall have jurisdiction of any civil action or other matter at law or in equity brought in the State of Washington, D.C. and of any criminal case under the law of the State of Washington, D.C. The State of Washington, D.C. Court of Appeals shall have jurisdiction of appeals from the Superior Court or an intermediate appellate court established by statute and, to the extent provided by law, to review orders and decisions of the Governor, the Legislative Assembly, or any agency of the State of Washington, D.C. The State of Washington, D.C. Courts shall also have jurisdiction over any other matters granted to the State of Washington, D.C. Courts by other provisions of law.

Sec. 5. Designation of Chief Judges

All Chief Judges of the State of Washington, D.C. Courts shall be designated by the State of Washington, D.C. Judicial Nomination Commission from among the judges of their respective courts in regular active service, and shall serve as Chief Judge for a term of 4 years or until a successor is designated, except that a term as Chief Judge shall not extend beyond the Chief Judge's term as a judge of a State of Washington, D.C. Courts. A Chief Judge shall be eligible for re-designation as Chief Judge.

ARTICLE IV
BUDGET AND FINANCIAL MANAGEMENT

Section

1. Fiscal year
2. Submission of annual budget
3. Adoption of budget by Legislative Assembly
4. Annual financial statements and audits
5. Balanced budget
6. Review of Contracts by the Legislative Assembly
7. Emergency and contingency reserve funds

Sec. 1. Fiscal year

The Legislative Assembly shall establish by Act the fiscal year of the State of Washington, D.C.

Sec. 2. Submission of annual budget

- a. The Governor shall prepare and submit to the Legislative Assembly each year, at such time as the Legislative Assembly shall direct, and shall make available to the public, a proposed annual budget for the State of Washington, D.C. government. It shall:
 1. (A) Reflect the actual financial condition of the State of Washington, D.C. government; (B) Specify the agencies and purposes for which funds are being requested; and (C) Be prepared on the assumption that proposed expenditures for such fiscal year shall not exceed estimated resources from existing sources and proposed resources.
 2. Be accompanied by: (A) An annual budget message that shall include supporting financial and statistical information for the forthcoming fiscal year and information on the approved budgets and expenditures for the immediately preceding 3 fiscal years; (B) A multiyear financial plan of revenues and expenses, including multiyear operating and capital improvement plans for all agencies; and (C) A summary of the budget for distribution to the general public.
 3. The proposed budget and financial plan shall be certified by the Chief Financial Officer as balanced and the Governor shall not forward to the Legislative Assembly a budget that is not balanced. The budget shall identify any new sources of revenue that shall be necessary to balance the budget as submitted.
- b. The budget prepared and submitted by the Governor shall include, but not be limited to, recommended expenditures at a reasonable level for agencies under the authority of the Governor, including expenditures for the Legislative Assembly, the State of Washington, D.C. court system, the Office of the Attorney General, the Office of the Chief Financial Officer, the State Board of Education, and the Board of Elections for each such entity.

- c. The Governor may prepare and submit to the Legislative Assembly such supplemental or deficiency budget proposals as are necessary, including proposals to increase revenues to meet any such increased expenditure, and may prepare and submit to the Legislative Assembly for approval, by Resolution, proposed reprogrammings of budgeted amounts. The Legislative Assembly may by Act designate categories and classes of supplemental and deficiency budget modifications and reprogrammings for which approval by the Legislative Assembly is not required or for which approval of the Legislative Assembly will be deemed to have occurred upon the expiration of a specified period of time after the Governor submits the proposal to the Legislative Assembly.

Sec. 3. Adoption of budget by Legislative Assembly

The Legislative Assembly, within 77 calendar days after receipt of the budget proposal from the Governor, and after a public hearing, shall adopt by Act the annual budget for the State of Washington, D.C. government. No amount may be obligated or expended by any officer or employee of the State of Washington, D.C. government unless such amount has been approved by Act of the Legislative Assembly, and then only according to such Act, or as otherwise provided in section 2(c) of this Article.

Sec. 4. Annual financial statement and audits

Within 123 days following the close of the fiscal year, the Governor shall submit to the Legislative Assembly a complete and audited financial statement and report for the preceding fiscal year.

Sec. 5. Balanced budget

The Legislative Assembly shall not approve any budget that would result in expenditures being in excess of all resources that the Chief Financial Officer estimates will be available from all funds available to the State of Washington, D.C. for such fiscal year.

Sec. 6. Review of Contracts by the Legislative Assembly

By Act, the Legislative Assembly may establish which contracts shall be subject to its review and approval; provided, that the scope of contracts subject to the review of the Legislative Assembly shall not exceed the scope of those contracts that were subject to approval of the former Council of the District of Columbia.

Sec. 7. Emergency and contingency reserve funds

- a. 1. The Governor shall deposit into an emergency cash reserve fund not later than the first day of each fiscal year such an amount as may be required to maintain a balance in the fund of at least 2 percent of the operating expenditures of the government of the State of Washington, D.C.; provided, that if the Governor uses money from the fund during a fiscal year, the State of Washington, D.C. shall

appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the emergency reserve fund during the preceding fiscal years so that not less than 50 percent of any amount allocated in the preceding fiscal year or the amount necessary to restore the emergency reserve fund to the 2 percent required balance, whichever is less, is replenished by the end of the first fiscal year following each such allocation and 100 percent of the amount allocated or the amount necessary to restore the emergency reserve fund to the 2 percent required balance, whichever is less, is replenished by the end of the second fiscal year following each such allocation; provided further, that if an amount is allocated from the emergency cash reserve fund for cash-flow management purposes, the Governor shall fully replenish the fund in the amount allocated not later than the earlier of the expiration of the 9-month period that begins on the date the allocation is made or the last day of the fiscal year.

2. The Governor may use the emergency cash reserve fund to provide for unanticipated and nonrecurring extraordinary needs of an emergency nature, including for expenses associated with a natural disaster or calamity or a state of emergency as declared by the Governor, for unexpected obligations of federal law, and for cash-flow management purposes in an amount of not more than 50 percent of the balance of the fund.
- b.
 1. The Governor shall deposit into a contingency cash reserve fund not later than the first day of each fiscal year such amount as may be required to maintain a balance in the fund of at least 4 percent of the operating expenditures of the government of the State of Washington, D.C.; provided, that the government of the State of Washington, D.C. shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the contingency reserve fund during the preceding fiscal years so that not less than 50 percent of any amount allocated in the preceding fiscal year or the amount necessary to restore the contingency reserve fund to the 4 percent required balance, whichever is less, is replenished by the end of the first fiscal year following each such allocation and 100 percent of the amount allocated or the amount necessary to restore the contingency reserve fund to the 4 percent required balance, whichever is less, is replenished by the end of the second fiscal year following each such allocation; provided further, that if an amount is allocated from the contingency cash reserve fund for cash-flow management purposes, the Governor shall fully replenish the fund in the amount allocated not later than the earlier of the expiration of the 9-month period that begins on the date the allocation is made or the last day of the fiscal year.
 2. The Governor may use the contingency cash reserve fund to provide for nonrecurring or unforeseen needs that arise during the fiscal year, including for expenses associated with unforeseen weather or other natural disasters, unexpected obligations created by federal law or new public safety, health, welfare, or education needs or requirements that have been identified after the

budget process has occurred, for opportunities to achieve cost savings, to cover revenue shortfalls experienced by the District government for 3 consecutive months (based on a 2-month rolling average) that are 5 percent or more below the budget forecast, and for cash-flow management purposes in an amount of not more than 50 percent of the balance of the fund.

ARTICLE V BORROWING

Section

1. Authority to issue and redeem general obligation bonds for capital projects
2. Contents of borrowing legislation on issuing general obligation bonds
3. Issuance of general obligation bonds
4. Borrowing to meet appropriations and in anticipation of revenues
5. Special tax
6. Full faith and credit of State of Washington, D.C. pledged
7. Payment of general obligation bonds and notes
8. Revenue bonds and other obligations
9. Limitations on borrowing and spending
10. Tax exemption
11. Legal investment

Sec. 1. Authority to issue and redeem general obligation bonds for capital projects

- a. The State of Washington, D.C. may incur indebtedness by issuing general obligation bonds to refund indebtedness of the State of Washington, D.C. at any time outstanding and to provide for the payment of the cost of acquiring or undertaking its various capital projects, including paying its share of regional transportation projects. Such bonds shall bear interest, payable on such dates, at such rate or rates and at such maturities as the Governor, subject to the provisions of section 2, may determine to be necessary to make such bonds marketable.
- b. The State of Washington, D.C. may reserve the right to redeem any or all of its obligations before maturity in such manner and at such price as may be fixed by the Governor prior to the issuance of such obligations.
- c. For purposes of section 1, capital projects means any physical public betterment or improvement, the acquisition of property of a permanent nature, or the purchase of equipment or furnishings.

Sec. 2. Contents of borrowing legislation and elections on issuing general obligation bonds

- a. The Legislative Assembly may by Act authorize the issuance of general obligation bonds for the purposes specified in section 1. Such an Act shall contain, at least, provisions: (1) briefly describing each project to be financed by the Act; (2) identifying the Act

authorizing each such project or category of projects; (3) setting forth the maximum amount of debt principal that may be incurred for the projects; (4) setting forth the maximum rate of interest to be paid on such indebtedness; (5) setting forth the maximum allowable maturity for the issue and the maximum debt service payable in any year; (6) authorizing the bonds to be sold at public sale or at private sale on a negotiated basis, as determined by the Governor to be in the public interest; (7) authorizing the Governor to enter into and amend agreements in connection with the bond issue, including a trust indenture; (8) vesting in the trustee under such a trust indenture such properties, rights, powers, and duties in trust as may be necessary, convenient, or desirable; (9) authorizing the creation of a security interest in State of Washington, D.C. revenues as additional security for the payment of the bonds; (10) describing the particular State of Washington, D.C. revenues that are subject to such security interest; (11) prescribing the validity of such security interest; (12) prescribing remedies of the bondholders in the event of a default; and (13) specifying such other covenants, provisions and conditions necessary to issue the additional bonds as parity bonds.

- b. The Governor shall publish the enacted Act in at least one newspaper of general circulation within the State of Washington, D.C. with the notification that the time within which a suit, action, or proceeding questioning the validity of such bonds may be commenced expires at the end of the 20-day period beginning on the date of the first publication of the notice.
- c. Failure to publish the notice or any error in any publication shall not impair the effect of the Act or the validity of the bonds issued pursuant to the Act.

Sec. 3. Issuance of general obligation bonds

- a. After an Act of the Legislative Assembly authorizing the issuance of general obligation bonds has taken effect, the Governor may issue such general obligation bonds. An issue of general obligation bonds may be all or any part of the aggregate principal amount of bonds authorized by such Act.
- b. The principal amount of the general obligation bonds of each issue shall be payable in annual installments beginning not later than 3 years after the date of such bonds and ending not later than 30 years after such date.

Sec. 4. Borrowing to meet appropriations and in anticipation of revenues

- a. In the absence of unappropriated revenues available to meet appropriations, the Legislative Assembly may by Act authorize the issuance of general obligation notes.
- b. In anticipation of the collection or receipt of revenues for a fiscal year, the Legislative Assembly may by Act authorize the issuance of revenue anticipation notes.

- c. The total amount of any general obligation notes originally issued during a fiscal year shall not exceed 2 percent of the total appropriations for the State of Washington, D.C. for such fiscal year, and the total amount of all revenue anticipation notes outstanding at any time during a fiscal year shall not exceed 20 percent of the total anticipated revenue of the State of Washington, D.C. that the Governor estimates, and the Chief Financial Officer certifies, will be credited to the State of Washington, D.C. during the fiscal year in which the bonds will be issued.
- d. Any general obligation note issued under subsection (a) of this section, or any revenue anticipation note issued under subsection (b) of this section, as authorized by an Act of the Legislative Assembly, may be renewed. Any such note, including any renewal of such note, shall be due and payable not later than the last day of the fiscal year occurring immediately after the fiscal year during which the Act authorizing the original issuance of such note takes effect.

Sec. 5. Special tax

Any Act of the Legislative Assembly authorizing the issuance of general obligation bonds shall provide for the annual levy of a special tax or charge, if necessary. Such tax or charge shall be levied, without limitation as to rate or amount, in amounts that, together with other State of Washington, D.C. revenues available and applicable, will be sufficient to pay the principal of and interest on such general obligation bonds as they become due and payable.

Sec. 6. Full faith and credit of State of Washington, D.C. pledged

The full faith and credit of the State of Washington, D.C. is pledged for the payment of the principal of and interest on any general obligation bond or note issued under this Article, whether or not such pledge is stated in such bond or note or in the Act authorizing the issuance of such bond or note.

Sec. 7. Payment of general obligation bonds and notes

- a. In each annual budget, the Legislative Assembly shall provide sufficient funds to pay the principal of and interest on all general obligation bonds or notes due and payable during such fiscal year.
- b. The Governor shall ensure that the principal and interest on all general obligation bonds and notes issued under this Article are paid when due, including by paying such principal and interest from funds not otherwise legally committed.
- c. All amounts obligated or expended by the State of Washington, D.C. for the payment of principal of, interest on, or redemption premium for any general obligation bonds issued under this Article or issued before the effective date of this Constitution are not subject to appropriation.

Sec. 8. Revenue bonds and other obligations

- a. (1) The Legislative Assembly may by Act or Resolution authorize the issuance of revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, or assist in the financing or refinancing of undertakings in the areas of: housing; health; transit; utilities; preschool, primary, secondary, vocational, adult, rehabilitative, re-entry, and higher education; educational loans; facilities for culture, sports, mass commuting, sewage disposal, solid waste disposal, recycling or reuse, hazardous waste disposal, or local district heating or cooling; or the local furnishing of energy or water; manufacturing; and any other undertaking that the Legislative Assembly determines will contribute to the health, education, safety, or welfare of, or the creation or preservation of jobs for, the residents of the State of Washington, D.C., or to the economic development of the State of Washington, D.C., and any facilities or property, real or personal, used in connection with or supplementing any of the foregoing. Any such financing or refinancing may be effected by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.
- (2) Any revenue bond, note, or other obligation issued under paragraph (1) of this subsection shall be a special obligation of the State of Washington, D.C. and shall be a negotiable instrument.
- (3) Any revenue bond, note, or other obligation issued under paragraph (1) of this subsection shall be paid and secured (as to principal, interest, and any premium) as provided by the Act or Resolution of the Legislative Assembly authorizing the issuance of such bond, note, or other obligation. Any Act of the Legislative Assembly authorizing the issuance of such bond, note, or other obligation, or any delegation of such authority, may provide for: (A) The payment of such bond, note, or other obligation from any available revenues, assets, or property; and (B) The securing of such bond, note, or other obligation by the mortgage of real property or the creation of any security interest in available revenues, assets, or other property.
- (4) (A) In authorizing the issuance of any revenue bond, note, or other obligation under paragraph (1) of this subsection, the Legislative Assembly may authorize the Governor to enter into any agreement concerning the acquisition, use, or disposition of any funds or property. Any such agreement may create any security interest in any funds or property; may provide for the custody, collection, security, investment, and payment of any funds (including any funds held in trust) for the payment of such bond, note, or other obligation; may mortgage any property; may provide for the acquisition, construction, maintenance, and disposition of the undertaking financed or refinanced using the proceeds of such bond, note, or other obligation; and may provide for the doing of any act (or the refraining from doing any act) that the State of Washington, D.C. has the right to do in the absence of such agreement. Any such agreement may be assigned for

the benefit of, or made a part of any contract with, any holder of such revenue bond, note, or other obligation issued under paragraph (1) of this subsection. (B) Any security interest created under subparagraph (A) of this paragraph shall be valid, binding, and perfected from the time such security interest is created, with or without the physical delivery of any funds or any other property and with or without any further action. Such security interest shall be valid, binding, and perfected whether or not any statement, document, or instrument relating to such security interest is recorded or filed. The lien created by such security interest is valid, binding, and perfected with respect to any individual or legal entity having claims against the State of Washington, D.C., whether or not such individual or legal entity has notice of such lien. (C) Any funds of the State of Washington, D.C. held for the payment or security of any revenue bond, note, or other obligation issued under paragraph (1) of this subsection, whether or not such funds are held in trust, may be secured in the manner agreed to by the State of Washington, D.C. and any depository of such funds. Any depository of such funds may give security for the deposit of such funds.

- (5) The following obligations and expenditures by the State of Washington, D.C. shall not be subject to appropriations: (A) All amounts (including the amount of any accrued interest or premium) obligated or expended from the proceeds of the sale of any revenue bond, note, or other obligation issued under this section, or issued before the effective date of this Constitution; (B) All amounts obligated or expended for the payment of principal of, interest on, or redemption premium for, or to secure, any bonds issued under this section or issued before the effective date of this Constitution; and (C) All amounts obligated or expended pursuant to commitments made in connection with the issuance of a revenue bond, note, or other obligation for repair, maintenance, and capital improvements relating to undertakings financed through any revenue bond, note, or other obligation issued under this section or issued before the effective date of this Constitution.
- b. Any and all such bonds, notes, or other obligations shall not be general obligations of the State of Washington, D.C., shall not be a pledge of or involve the faith and credit or the taxing power of the State of Washington, D.C., shall not constitute a debt of the State of Washington, D.C., and shall not constitute lending of the public credit for private undertakings.
- c. Any and all such bonds, notes, or other obligations shall be issued pursuant to an Act or Resolution of the Legislative Assembly without the necessity of submitting the question of such issuance to the registered qualified voters of the State of Washington, D.C. for approval or disapproval.
- d. Any Act or Resolution of the Legislative Assembly authorizing the issuance of revenue bonds, notes, or other obligations under paragraph (1) of subsection (a) of this section may: (1) Briefly describe the purpose for which such bonds, notes, or other obligations are to be issued; (2) Prescribe the form, terms, provisions, manner, and method of issuing and selling (including sale by negotiation or by competitive bid) such bonds, notes, or

other obligations; (3) Provide for the rights and remedies of the holders of such bonds, notes, or other obligations upon default; (4) Prescribe any other details with respect to the issuance, sale, or securing of such bonds, notes, or other obligations; and (5) Authorize the Governor to take any actions in connection with the issuance, sale, delivery, security, and payment of such notes, bonds, or other obligations, including the prescribing of any terms or conditions not contained in such Act or Resolution of the Legislative Assembly.

- e. The Legislative Assembly may by Act delegate to any independent instrumentality of Washington, D.C. the authority of the Legislative Assembly under subsection (a) of this section to issue revenue bonds, notes, and other obligations to borrow money for the purposes described in subsection (a) of this section.

Sec. 9. Limitations on borrowing and spending

- a. No general obligation bonds (other than bonds to refund outstanding indebtedness) shall be issued during any fiscal year in an amount that would cause the amount of principal and interest required to be paid both serially and into a sinking fund in any fiscal year on the aggregate amounts of all outstanding general obligation bonds and such Treasury loans, to exceed 17% of the State of Washington, D.C. revenues (less any fees or revenues directed to servicing revenue bonds, any revenues, charges, or fees dedicated for the purposes of water and sewer facilities (including fees or revenues directed to servicing or securing revenue bonds issued for such purposes), retirement contributions, revenues from retirement systems, and revenues derived from the sale of general obligation or revenue bonds) that the Governor estimates, and the Chief Financial Officer certifies, will be credited to the State of Washington, D.C. during the fiscal year in which the bonds will be issued.
- b. The 17% limitation specified in subsection (a) of this section shall be calculated in the following manner:
 - (1) Determine the dollar amount equivalent to 17% of the State of Washington, D.C. revenues as specified in subsection (a) of this section;
 - (2) Determine the actual total amount of principal and interest to be paid in each fiscal year for all outstanding general obligation bonds (less the allocable portion of principal and interest to be paid during the year on general obligation bonds of the District of Columbia issued prior to October 1, 1996, for the financing of Department of Public Works, Water, and Sewer Utility Administration capital projects) and such Treasury loans;
 - (3) Determine the amount of principal and interest to be paid during each fiscal year over the term of the proposed general obligation bond or such Treasury loan to be issued; and
 - (4) If in any one fiscal year the sum arrived at by adding paragraphs (2) and (3) of this subsection exceeds the amount determined under paragraph (1) of this subsection, then the proposed general obligation bond or such Treasury loan in paragraph (3) of this paragraph cannot be issued.

Sec. 10. Tax exemption

Bonds and notes issued pursuant to this Article and the interest thereon shall be exempt from all taxes of the State of Washington, D.C., except estate, inheritance, and gift taxes.

Sec. 11. Legal investment

Notwithstanding any restriction on the investment of funds by fiduciaries contained in any other law, all domestic insurance companies, domestic insurance associations, executors, administrators, guardians, trustees, and other fiduciaries within the State of Washington, D.C. may legally invest any sinking funds, moneys, trust funds, or other funds belonging to them or within their control in any bonds issued pursuant to this title, it being the purpose of this section to authorize the investment in such bonds or notes of all sinking, insurance, retirement, compensation, pension, and trust funds.

ARTICLE VI INITIATIVE; REFERENDUM; RECALL

Section

1. Definitions
2. Process
3. Submission of measure at election
4. Rejection of measure
5. Approval of measure
6. Short title and summary
7. Recall process
8. Time limits on initiation of recall process
9. When an official is removed; filling of vacancies

Sec. 1. Definitions

- a. The term "initiative" means the process by which the registered qualified electors of the State of Washington, D.C. may propose laws (except laws appropriating funds or having the effect of authorizing discrimination) and present such proposed laws directly to the registered qualified electors of the State of Washington, D.C. for their approval or disapproval.
- b. The term "referendum" means the process by which the registered qualified electors of the State of Washington, D.C. may repeal or ratify acts of the Legislative Assembly (except emergency acts, acts levying taxes, acts appropriating funds, acts having the effect of prohibiting discrimination, or advisory referenda).
- c. The term "recall" means the process by which the registered qualified electors of the State of Washington, D.C. may call for the holding of an election to remove or retain an elected official prior to the expiration of that official's term.

Sec. 2. Process

- a. An initiative or referendum may be proposed by the presentation to the Board of Elections of a petition containing the signatures of 5 percent of the registered voters in the State of Washington, D.C.; provided, that the total signatures submitted shall include 5 percent of the registered voters in a majority of the legislative districts.
- b. The latest official count of registered voters by the Board of Elections that was issued 30 or more days prior to submission of the signatures for any particular initiative, referendum, or recall petition shall be used for computing the signature requirements of this Article.

Sec. 3. Submission of measure at election

- a. The Board of Elections shall submit an initiative or referendum measure without alteration at the next statewide general, primary, or special election held at least 90 days after the measure is received.
- b. The Board of Elections shall hold an election on a recall petition within 114 days of its receipt of a petition. If a previously scheduled general, primary, or special election will occur between 54 and 114 days of its receipt of a recall petition, the Board of Elections may present the recall petition at that election.

Sec. 4. Rejection of measure

If a majority of the registered qualified electors voting on a referred act vote to disapprove the Act, such action shall be deemed a rejection of the Act or that portion of the Act on the referendum ballot. No action may be taken by the Legislative Assembly with regard to the matter presented at referendum for 365 days following the date of the Board of Election's certification of the vote concerning the referendum.

Sec. 5. Approval of measure

If a majority of the registered qualified electors voting in a referendum approve of an Act or adopt legislation by initiative, then the adopted initiative or Act approved by referendum shall become law upon the certification of the vote by the Board of Elections on such initiative or Act.

Sec. 6. Short title and summary

The Board of Elections shall propose a short title and summary of the initiative and referendum matter that shall accurately reflect the intent and meaning of the proposed referendum or initiative.

Sec. 7. Recall process

Any elected official of the State of Washington, D.C. government, elected on a partisan basis, may be recalled by the registered qualified electors of the election district or districts from which that official was elected. A recall shall be proposed by the filing with the Board of Elections of a petition demanding the recall of the elected official, signed by 10 percent of the registered qualified electors in the elected official's election district or districts, including 10 percent of the registered qualified electors in a majority of the election districts for a statewide elected official.

Sec. 8. Time limits on initiation of recall process

The process of recalling an elected official may not be initiated within the first 365 days nor the last 365 days of the official's term of office. Nor may the process be initiated within one year after a recall election has been determined in the official's favor.

Sec. 9. When an official is removed; filling of vacancies

An elected official is removed from office if a majority of the qualified electors voting in the election vote to remove the official. The vacancy created by such recall shall be filled in the same manner as other vacancies as provided in this Constitution.

ARTICLE VII MISCELLANEOUS

Section

1. Openness and transparency
2. Construction of Constitution
3. Constitution amending procedure
4. Constitutional convention
5. Oath of office.
6. Effective date

Sec. 1. Openness and transparency

The government of the State of Washington, D.C. shall operate on principles of openness, transparency, and democratic participation. Specific obligations regarding participation and transparency may be established by Act of the Legislative Assembly and administrative orders of the Governor.

Sec. 2. Construction of Constitution

- a. To the extent that any provisions of this Constitution are inconsistent with the provisions of any other laws of the State of Washington, D.C., the provisions of this Constitution shall prevail and shall be deemed to supersede the provisions of such laws.
- b. The use of partisan or nonpartisan with respect to elections under Articles I and II shall determine only whether the name of a political party may appear next to the name of a candidate on the ballot but shall not limit the authority of the Legislative Assembly to establish any type of primary or runoff system it may find appropriate.
- c. In interpreting this Constitution, the courts are not bound by the interpretation given by federal courts to identical or similar language in the United States Constitution, but shall interpret this Constitution in light of its purposes and the laws, values, and traditions of the State of Washington, D.C.

Sec. 3. Constitution amending procedure

- a. The Constitution may be amended by an Act passed by the affirmative vote of 2/3 of the members of the Legislative Assembly and ratified by a majority of the qualified voters who vote in a ratification referendum.
- b. Ratified constitutional amendments take effect either on the date the Board of Elections certifies the ratification, or the date prescribed by the amendment, whichever is later.

Sec. 4. Constitutional convention

- a. No later than the second anniversary of the date of admission of the State of Washington, D.C. as a member of the Union, the Legislative Assembly shall call for a Constitutional Convention to assess the functionality of this Constitution in the transition from a federal district to statehood.
- b. The Legislative Assembly shall, by Act, establish for the Constitutional Convention procedures for the convention that shall include the election process for delegates to the Constitutional Convention, to be comprised of an equal number of delegates from each legislative district.
- c. The Legislative Assembly shall appoint a Constitutional Convention Commission comprised of legal and subject matter experts with the purpose of preparing comprehensive recommendations and advice to the Constitutional Convention delegates on the subjects established by the Legislative Assembly.
- d. Any amendment resulting from such a Constitutional Convention shall be ratified by a majority of the qualified voters who vote in a ratification referendum.

Sec. 5. Oath of office

The Representatives of the Legislative Assembly, the Governor, all Executive and Judicial offices, and the Advisory Neighborhood Commissioners shall be bound by Oath or Affirmation to support this Constitution, the laws of the State of Washington, D.C., and the Constitution of the United States of America.

Sec. 6. Effective date

This Constitution shall take effect upon passage of an Admission Act to admit Washington, D.C. as a state of the United States of America with the same rights as other states, unless otherwise provided therein.

ARTICLE VIII TRANSFER OF OFFICES

Section

1. Transfer of offices
2. Continuation of State of Washington, D.C. court system
3. Pending actions and proceedings
4. Laws in force and prior powers
5. Personnel rights
6. Debts; assets; records
7. Residency and qualifications
8. Adjustments
9. Voting rights

Sec. 1. Transfer of offices

- a. The Council of the District of Columbia and the offices of Councilmembers, Chairman of the Council, and Mayor are abolished as of the effective date of this Constitution.
- b. To provide continuity during the transition from the government of the District of Columbia to the State of Washington, D.C., the members of the Council, the Chairman of the Council, the Mayor, the Attorney General, and members of the State Board of Education and Advisory Neighborhood Commissions in office as of the effective date of this Constitution shall be deemed Representatives of the Legislative Assembly, Speaker of the Legislative Assembly, Governor, Attorney General, and members of the State Board of Education and Advisory Neighborhood Commissions, respectively (in accordance with current boundaries), until the expiration of the term of office each such individual held immediately prior to the effective date of this Constitution. Vacancies in these offices occurring during the holdover term shall be filled as provided in Articles I, II, and VI.

- c. New Representatives of the Legislative Assembly shall be elected on the same schedule as existing Councilmembers of the District of Columbia. The Board of Elections shall hold elections for newly created positions in the Legislative Assembly at least 60 days and not more than 120 days after the effective date of this Constitution, unless it determines that such positions could be more practicably filled in a special election held on the same day as the next primary or general election to be held in the State of Washington, D.C. The Legislative Assembly shall, by Act, establish the election schedule for all newly created positions; provided, that such Act ensures a staggered schedule, including between Representatives from the same legislative district.
- d. The individual serving as District of Columbia Auditor as of the effective date of this Constitution shall be deemed to have been appointed as Auditor under Article I for a term to expire as of the date of expiration of the term to which he or she was appointed.
- e. Positions previously held on boards, commissions, and regional bodies by members of the Council of the District of Columbia, the Chairman of the Council, or the Mayor shall be held after the effective date of this Constitution by Representatives of the Legislative Assembly, the Speaker of the Legislative Assembly, and the Governor, respectively, to the extent consistent with this Constitution.
- f. For boards and commissions, members not federally appointed and in office as of the effective date of this Constitution shall continue to serve until the expiration of that term of office held on the effective date of this Constitution.
- g. The terms of federally appointed members to any District of Columbia board or commission shall expire on the 90th day from the effective date of this Constitution unless otherwise provided by law, and no vacancies shall be deemed to be created by the abolition of these positions unless the Governor or Legislative Assembly creates a new position on the board or commission.
- h. The individual serving as Chief Financial Officer as of the effective date of this Constitution shall be deemed to have been appointed as Chief Financial Officer under Article II, for a term to expire on July 1 of the year in which that individual's previously extant term would have expired.

Sec. 2. Continuation of State of Washington, D.C. court system

- a. To provide continuity during the transition from the government of the District of Columbia and the State of Washington, D.C., the judges of the Superior Court of the District of Columbia and the District of Columbia Court of Appeals appointed as of the effective date of this Constitution shall be deemed judges of the Superior Court of the State of Washington, D.C. and the State of Washington, D.C. Court of Appeals, respectively, until the expiration of that term of office held immediately prior to the effective date of this Constitution.

- b. The District of Columbia Court of Appeals, the Superior Court of the District of Columbia, the Judicial Nomination Commission, and the Commission on Judicial Disability and Tenure shall continue subject to the provisions of Article III of this Constitution. Any changes in the judges' compensation, upon enactment by the Legislative Assembly, shall apply after the effective date or the applicability date of such Act, whichever is later.
- c. The term and qualifications of any judge of any District of Columbia court appointed prior to the effective date of this Constitution shall not be affected by the provisions of Article III of this Constitution. No provision of this Constitution shall be construed to extend the term of any such judge. Judges of the State of Washington, D.C. courts appointed after the effective date of this Constitution shall be appointed according to Article III.
- d. Nothing in this Constitution shall be construed to amend, repeal, or diminish the duties, rights, privileges, or benefits accruing under sections 1561 through 1571 of title 11 of the District of Columbia Code, dealing with retirement, or to authorize a decrease in the level of compensation of the judges of the District of Columbia courts as of the effective date of this Constitution. The compensation received by judges of the State of Washington, D.C. courts shall not be diminished during their continuance in office.

Sec. 3. Pending actions and proceedings

All existing writs, actions, suits, judicial and administrative proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles, and rights shall continue unaffected except as may be modified in accordance with the provisions of this Constitution. The State of Washington, D.C. shall be the legal successor to the District of Columbia in all matters.

Sec. 4. Laws in force and prior powers

- a. Acts of the Council of the District of Columbia preceding the effective date of this Constitution and the convening of the Legislative Assembly shall be considered valid as if they were enacted by the Legislative Assembly.
- b. Upon the effective date of this Constitution, all of the laws then in force in the District of Columbia, including regulations and Mayor's Orders, shall become the laws of the State of Washington, D.C. and continue in force and effect throughout the State of Washington, D.C., except as modified by the State of Washington, D.C. Admission Act, or by this Constitution, or as thereafter modified in accordance with this Constitution.
- c. All powers previously vested in the Council of the District of Columbia by Congress through the District of Columbia Home Rule Act, to the extent not inconsistent with this Constitution and to the extent not thereafter having been transferred or repealed, shall be vested in the Legislative Assembly in accordance with the provisions of this Constitution.

- d. The powers possessed by the respective Advisory Neighborhood Commissions for the District of Columbia on the day prior to the effective date of this Constitution shall be possessed by the Advisory Neighborhood Commissions for the State of Washington, D.C. on the effective date of this Constitution, to the extent not inconsistent with this Constitution, and to the extent not thereafter modified or repealed in accordance with this Constitution
- e. Except as otherwise provided in this Constitution, all functions previously granted to or vested in the Mayor of the District of Columbia through the District of Columbia Home Rule Act, to the extent not inconsistent with this Constitution and to the extent not thereafter having been transferred or repealed, shall be vested in the Office of the Governor in accordance with the provisions of this Constitution.
- f. The annual compensation of the Speaker of the Legislative Assembly and Representatives, the Governor, the Attorney General, the Chief Financial Officer, and the judges of the Superior Court of the State of Washington, D.C. and the State of Washington, D.C. Court of Appeals on the effective date of this Constitution shall be the annual compensation provided to the Chairman and members of the Council, the Mayor, the Attorney General, the Chief Financial Officer, and the judges of the Superior Court of the District of Columbia and the District of Columbia Court of Appeals immediately prior to the effective date of this Constitution.
- g. The powers possessed by the Attorney General for the District of Columbia on the day prior to the effective date of this Constitution shall be possessed by the Attorney General for the State of Washington, D.C. upon the effective date of the Constitution, to the extent not inconsistent with this Constitution, and to the extent not thereafter having been transferred or repealed.

Sec. 5. Personnel rights

Nothing in this Constitution shall be construed as affecting the rights under District of Columbia law of employees of the State of Washington, D.C. who were employed by the District of Columbia government prior to the effective date of this Constitution to personnel benefits, including, but not limited to pay, tenure, leave, retirement, health and life insurance, and employee disability and death benefits, or regulations adopted pursuant thereto, and applicable to such officers and employees immediately prior to the effective date of this Constitution; provided, that all such benefits shall thereafter be subject to modification by Act or regulation.

Sec. 6. Debts; assets; records

The debts and liabilities of the District of Columbia as of the effective date of this Constitution shall be assumed by the State of Washington, D.C., and debts owed to the District of Columbia shall be collected by the State of Washington, D.C. Assets and

records of the District of Columbia shall become the property of the State of Washington, D.C.

Sec. 7. Residency and qualifications

Residence, voter registration, or other qualifications under the District of Columbia may be used toward the fulfillment of corresponding qualifications required by this Constitution.

Sec. 8. Adjustments

The Governor is authorized and empowered to enter into an agreement or agreements concerning the manner and method by which amounts owed by the State of Washington, D.C. to the United States or by the United States to the State of Washington, D.C., shall be ascertained and paid.

Sec. 9. Voting rights

Any person who resides in any area which was a part of the District of Columbia immediately prior to the admission of the State of Washington, D.C. but which is not included within the boundaries of the State of Washington, D.C. may, at that person's option, be deemed to be a resident of the State of Washington, D.C. for purposes of voting in a State of Washington, D.C. election, unless that person claims residency in another state for voting purposes.

Source: D.C. Council Resolution 21-621

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Page 1

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