



**PUBLIC ENGAGEMENT PROCESS**

*April 29, 2016*

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**#DCStatehood**

The New Columbia Statehood Commission (the “Commission”) is hereby announcing the process and guiding principles that ultimately will result in allowing D.C. residents to approve a state Constitution and petition Congress to admit the State of New Columbia into the Union. The process provides for public participation in developing the Constitution, along with the Commission and the Council. It will culminate with the Council adopting a resolution calling for an Advisory Referendum in the November 8, 2016, general election through which the people may approve the Constitution and formally call on their elected officials to petition Congress for statehood. This process follows the “Tennessee Plan” of having the electorate vote to approve: (1) statehood, (2) a Constitution, (3) state boundaries, and (4) a republican form of government, and petitioning Congress for admission into the Union. The Commission invites all District residents to participate in this process.

### Summary

The process for moving toward statehood will be an Advisory Referendum Resolution (“Referendum Resolution”). Leading up to the Referendum Resolution, the process will include soliciting input from District residents, convening a Constitutional Convention, consideration of amendments to the Constitution, and approval of the Constitution by the Commission. We anticipate that the Council will place before the voters the question of whether it should petition Congress to enact the New Columbia Admission Act (“Admission Act”), and whether the voters wish to approve the Constitution and approve the other elements to follow the Tennessee Plan. The final Constitution will be included in a Referendum Resolution and submitted to the Council for approval.

The Commission intends to complete its work by June 30<sup>th</sup> in order to submit the Constitution to the Council for its consideration, and for the Council to seek approval of the Referendum Resolution. In order for the Council and Commission to complete their work to have the Referendum on the November 8 ballot, and for this work to be publicized at the Democratic and Republican National Conventions, the Council must submit the Referendum Resolution to the Board of Elections by July 8<sup>th</sup>. The Commission has noted that holding the referendum on this date is necessary in order for the District to present its package of credentials for admission to the Union to the new President and Congress in January of 2017, in accordance with the Tennessee Plan.

### Guiding Principles

The Commission will use seven principles to guide the drafting of the proposed state Constitution. These principles will guide the Commission, Council, and the public in developing the final Constitution that will be placed before the voters for approval. According to these principles, the Constitution should:

- (1) Promote stability by maintaining the District’s basic current governing structure;
- (2) Build upon the work of statehood efforts in the 1980s, but simplify and modernize the Constitutions developed then;
- (3) Establish the structures necessary for good government;

- (4) Empower the legislature and executive to govern in the interests of the people who elect them;
- (5) Produce orderly and responsible governance;
- (6) Reflect the values of District residents; and
- (7) Demonstrate that the District merits congressional admission as a state.

### Process for Consideration of Constitution

To meet the Commission's rapid timeline, expedited procedures will be required. Described below is a process for the Commission to consider public input, being mindful of the twin goals of adhering to a strict timeline yet allowing for the maximum amount of community engagement.

In order to understand the necessity for expedited procedures for adoption of the Constitution, one must first look back to the last District of Columbia Constitutional Convention, which occurred in 1982. During that process, District residents elected 45 delegates to attend the Constitutional Convention, which itself lasted approximately four months. The process began on November 4, 1980, when sixty percent of District residents voted and approved the District of Columbia Statehood Constitutional Convention Initiative of 1979 (DC Law 3-171). This law called for the creation of a state Constitutional Convention to advance statehood for the District of Columbia. During 1981, the DC Statehood Commission was established. On November 4, 1981, forty-five delegates were elected to the Constitutional Convention to serve two or three year terms. The elected delegates to the District of Columbia Constitutional Convention convened to write a Constitution for the State of New Columbia on January 31, 1982. After much deliberation, on May 27, 1982, the Convention chose New Columbia as the name for the new state and approved the new Constitution on May 29, 1982. On November 2, 1982, D.C. voters ratified the Constitution for the State of New Columbia.

The District does not need to duplicate the 1982 process, including the public election of delegates, to approve the Constitution in time to submit the Constitution to the Council by June 30, and for the Council to submit the document to the Board of Elections by July 8<sup>th</sup>. Technological innovations since 1982 make a much more simultaneous and directly participatory process possible for updating rapidly the 1982 and subsequent 1987 Constitution, which was approved by Council legislation (DC Law 7-8). We will start from many of the decisions those delegates took months to decide, such as the name of our new state.

The District currently has in place the legal structures necessary to consider a revised Constitution. In 2014, the District of Columbia Council created the New Columbia Statehood Commission to coordinate the District's statehood initiatives (DC Law 20-481). The Commission is an independent agency within the District government that provides support to the Statehood Congressional Delegation, the Mayor, and the Council in promoting statehood for the residents of the District. The Commission is co-chaired by Mayor Muriel Bowser and Council Chairman Phil Mendelson, and includes Statehood Senators Paul Strauss and Michael D. Brown, and Representative Franklin Garcia. The established rules of the Commission developed by the Attorney General will govern its own deliberations and decision-making. To ensure an expedited

process, this Commission will oversee the consideration of the revised Constitution while ensuring the input of District residents.

District resident participation in the process is critical and will be felt at every stage of the process, including a full opportunity for residents to voice their views and offer their suggestions about the content of the Constitution. First and foremost, District residents will express their opinion when they vote on Election Day, November 8th whether to approve the Constitution and whether they wish the Council and the Mayor to petition the President and Congress for statehood. There will be many other opportunities for resident input prior to the election, including but not limited to:

- (1) a website where residents can provide comments;
- (2) committees on which residents can serve or observe meetings;
- (3) town hall meetings in which residents can participate;
- (4) a two-day Constitutional Convention where residents can offer comments and testify;
- (5) public hearings the Council may wish to hold; and
- (6) solicitation of comments and possible hearings by the Board of Elections.

In order to meet the timeline for submission of the Resolution to the Board of Elections on July 8<sup>th</sup>, while at the same time ensuring participation of D.C. residents as described above, the following procedure would provide a fair and open process:

- (1) **Release of draft Constitution to the public and file with the Council.** The Statehood Commission will release a draft of the new Constitution for consideration by District residents and the Council no later than May 6<sup>th</sup>.
- (2) **Set up a website to receive comments electronically.** The Commission has created a website to solicit and receive comments by District residents. This section of the statehood.dc.gov website will be operational as soon as the draft Constitution is released, and the Commission will publicize the website address widely. The Commission will enter all testimony and submissions filed electronically into the record of the Constitutional Convention and will attribute the same weight as if the testimony were submitted during the Constitutional Convention weekend.
- (3) **Convening of town hall meetings.** The Commission has planned a series of town hall meetings in all 8 Wards during the month of May and early June to ensure participation by District residents who may not be able to attend the Constitutional Convention weekend. Just as with the website, the Commission will place all testimony and submissions from the hearings/town hall meetings will be entered into the record of the Constitutional Convention and will attribute the same weight as if it were submitted during the Constitutional Convention weekend.

- (4) **Convening of Constitutional Convention.** The Commission will convene the Constitutional Convention during the weekend of June 17<sup>th</sup> and 18<sup>th</sup> to take testimony (which may include proposed amendments) from District residents. At this time, the Commission will also hear reports from the Committees working on various aspects of the promotion of the Constitution and statehood (see below).
- (5) **Consideration of the Constitution by the Commission.** At its scheduled meeting on June 24<sup>th</sup>, the Commission will decide, given the feedback it has received from District residents, whether and how to amend the draft Constitution during a public mark up and vote. The Commission will then submit its final approved draft of the Constitution to the Mayor in her role as Chief Executive Officer of the District, and the Mayor shall submit the final Constitution to the Council for its consideration no later than June 30<sup>th</sup>. This version of the document will supplant the original draft submitted to the Council in May. At this time, the Commission also will transmit to the Council the full record of all public comments received by the Commission in order for the Council to have a comprehensive record of the legislative history of the Constitution.
- (6) **Council consideration of the Constitution and Referendum Resolution.** The Council may hold hearings and take testimony on the Constitution simultaneously to the Commission's consideration of the document, under a schedule to be determined by the Council. The Council then will vote on the Referendum Resolution, including the final Constitution, to be submitted to the Board of Elections by the July 8<sup>th</sup> deadline.
- (7) **Board of Elections Consideration.** At a public meeting in July, the Board of Elections will certify the ballot language proposed by the Council in the Referendum Resolution and certify for the ballot the Advisory Referendum, which will put the approval of the Constitution in keeping with the elements of the Tennessee Plan to District voters.
- (8) **District residents approve the Constitution and approve all elements of the Tennessee Plan.** Assuming the Board of Elections certifies the Referendum for the ballot, residents will vote whether to approve the Constitution and all elements of the Tennessee Plan on November 8<sup>th</sup>.
- (9) **District officials petition Congress to enact the Admission Act.** Assuming voters approve the Advisory Referendum, District officials will then petition Congress to enact the Admission Act, consistent with the people's will. The Council may also adopt appropriate legislation as necessary.

### Committees

In addition to the process presented above for District residents to consider and approve the Constitution and approve all elements of the Tennessee Plan, the Statehood Commission also

has created several committees to give residents the opportunity to help promote the referendum and the Constitution and press Congress to pass the Admissions Act. Those committees include:

- (1) **All 8 Wards**, which will educate District residents about the benefits of statehood and organize District residents to support the statehood effort;
- (2) **All Americans for DC Statehood**, which will present strategies to engage the country;
- (3) **Advocacy**, which will determine what messages and financial support will be required to support the statehood initiative;
- (4) **Communications**, which will develop outreach to the media and District residents; and
- (5) **Cleveland/Philadelphia**, which will conduct education and advocacy for statehood at the conventions.

The Commission will release the membership of the committees no later than May 12<sup>th</sup>, and hold organizational meetings the week of May 16<sup>th</sup> and 17<sup>th</sup>. In addition, the committees may desire to hold their own public roundtable/town hall meetings during late May and early June to solicit District residents' views on the subject matter of the committees. The committees also will report on their progress to the Constitutional Convention in June, and their testimony will become part of the formal record of the proceedings.

#### Procedure for Receiving Oral and Written Testimony

For the Commission to complete its work within its strict deadlines, there must necessarily be a sensible procedure for the Commission to receive oral and written submissions through any of the various means of engagement created by the Commission for residents to participate in the process. Those procedures will follow the Council's procedure for taking oral testimony (three minutes for presentations by individuals and five minutes for organizations) as well as limiting all individuals to submissions of no more than 3 pages in length (with reasonable margins and fonts) and limiting organizations to submissions of no more than 5 pages in length (with reasonable margins and fonts).

#### Conclusion

The process outlined above will ensure that the District completes its work on the revised Constitution, Admission Act, and Referendum Resolution in time for the Advisory Referendum to be placed on the November 8<sup>th</sup> ballot for consideration by District residents. In addition, this process allows all District residents who wish to provide their views regarding the Constitution to have those views heard and considered. This procedure will allow the Constitution to be approved by residents in time for the Commission to present the District's credentials for admission into the Union to the new President and Congress when they take office in January 2017. The Commission looks forward to working with the Council and District residents to establish the State of New Columbia.