



# If You're A D.C. Resident, Here's What You Need To Know About The Statehood Vote

Martin Austermuhle

October 25, 2016

Will D.C. become the 51st state? The first step may be a referendum D.C. voters get to weigh in on this election cycle.

This isn't something you usually hear, but on Saturday Judiciary Square was the place to be in D.C. Not only did over 2,000 voters cast early ballots at the D.C. Board of Elections that day — and close to 4,000 during the whole weekend — but city officials and statehood advocates gathered outside to rally for the D.C. statehood referendum that's on the November ballot.

Wait, statehood referendum? Yes, a [statehood referendum](#). If you've been in D.C. long enough, you remember the last time that voters weighed in on whether the city should become a state: 1982. And you'll remember that that effort was largely ignored by Congress, leaving D.C. to exist as the federal district under Congress' exclusive control it has been for over 200 years.

But Mayor Muriel Bowser and statehood advocates hope that this year's referendum will be different. Not only do they think that the city is ready for statehood, but they hope that big wins by Democrats in national races will hand them a more favorable Congress to push the measure in. And that's important: Congress has the final say on whether D.C. becomes the 51st state, after all.

If this is the first you're hearing about the statehood vote — or you merely tuned out over the past few weeks — read on for all the information you need before you cast your ballot.

## So what's being voted on?

In essence, the referendum is asking residents to weigh in on whether D.C. should become a state. But it's a little more complicated than that.

Formally, the ballot measure is known as Advisory Referendum B, or the "Advisory Referendum on the State of New Columbia Admission Act Resolution of 2016." (It's on the back of the paper ballot.) Yes, it's a mouthful. And so is the actual text of what appears on the ballot: It's a simple yes or no question, but it's prefaced by a four-part question. The four parts are:

1. Statehood: You're agreeing that D.C. should become a state.
2. Constitution: You approve of the proposed state constitution that would govern the new state.
2. Boundaries: You're cool with the proposed state boundaries.
2. Representative Form of Government: All told, you're in favor of an representative form of government.

You can't pick and choose; it's all or nothing. If you vote yes, you're agreeing with all four parts above. If you vote no, you're saying the opposite. "I'll take parts 1 and 4 and drop the rest of it" isn't an option. You're all in, or you're all out.

### **Where did they get this idea?**

Tennessee! [No, seriously](#). In 1795, Tennessee — then a territory — drafted a constitution and held a referendum on whether it should ask Congress for admission to the union as a state. The request was made the following year, and Congress approved it, making Tennessee the nation's 16th state.

There are two other ways D.C. could become a state: by amending the Constitution, or by having Congress pass a bill granting the city statehood. Both have been tried at one point or another, but this year Bowser settled on the Tennessee Plan because she said it is less difficult than amending the Constitution and more proactive than simply waiting for Congress to debate and vote on a bill making D.C. a state.

The Tennessee Plan was tried in the 1980s, but Congress failed to act on it.

### **OK, about that state constitution...**

Earlier this month, the D.C. Council gave final approval to what would be the D.C. State Constitution were it to become a state. The draft it approved didn't come out of nowhere: Bowser [unveiled it in May](#), and it was debated and amended in June. The Council made further tweaks. There's nothing in it that's too dramatic; D.C. the state would function much as D.C. the city currently does. Here are some of the key things you should know:

The new state would be known as... the State of Washington, D.C.

The mayor would become the governor, and the Council would become the Legislative Assembly. The assembly would remain unicameral, but it would [expand in size](#) from 13 to 21 members. (Five elected at-large, two from each of the city's eight wards.)

The D.C. attorney general would remain an independently elected office.

D.C. would take control of its court system, which is currently paid for by the federal government.

Advisory Neighborhood Commissions would still exist, and play largely the same role they currently do.

D.C. would no longer have to submit its laws or budget to Congress for approval.

Two years after D.C. becomes a state — should that happen, of course — a Constitutional Convention would be called were elected delegates could make changes to the constitution. Any changes would be put to the city's voters for approval or rejection.

"We'll take over our courts and prosecutions, which is what we want. And we will also have a larger legislature, which people in the District have said that they want hands down. But largely we'll be organized in the same way," said Bowser on Saturday.

For even more on the constitution, read the Council's report on the document [here](#).

### **The State of Washington, D.C.? Seriously?**

Yes. But that wasn't without debate. The name D.C. voters agreed to in the 1980s was "New Columbia," and that's what city officials [initially opted to use](#) this time around. (Maybe to avoid delving into the actual debate of what a new state should be called.) But last week the Council [voted to dump New Columbia](#) as a name, and instead go for the simpler "State of Washington, D.C."

And in a nod to abolitionist Frederick Douglass, the "D.C." will no longer stand for "District of Columbia," but rather "Douglass Commonwealth." But fear not, you won't be forced to write out "State of Washington, Douglass Commonwealth" if the city ever gains statehood; the Constitution's preamble will reference "Douglass Commonwealth," but it will revert to "D.C." for every reference thereafter.

### **And what about the state borders?**

The State of Washington, D.C. would be made up of everything but a [small federal district](#) made up largely of the U.S. Capitol, National Mall and White House. This is important, [say proponents](#), because the U.S. Constitution requires that a federal district exist — but only specifies that it be no larger than "ten miles square." The statehood referendum would shrink it down, but not eliminate it.

### **Would there be walls on the border?**

Very funny.

### **What are the chances the referendum passes?**

The most recent polling — from The Washington Post [last year](#) — says pretty good: 70 percent of D.C. voters said they support statehood.

So if the referendum passes, do we become a state?

If only things were that easy.

First off, the referendum isn't binding; it merely serves to advise the city's leaders that they should ask Congress to admit D.C. to the union as a new state. It's both a means to measure public opinion on statehood broadly and a specific tool to tell Congress that if statehood is sought, the three pre-conditions — a state constitution, boundaries and acceptance of a representative form of government — have been accepted by a majority of the city's residents.

But more importantly than that, it requires Congress to play along — and that's the hard part.

"Congress doesn't do anything hard very quickly, so how do you get them to do something that has been an uphill battle?" says D.C. Del. Eleanor Holmes Norton, who has been fighting for the city's right to govern itself for over two decades. "First you gotta have a big vote. The question is, 'Do you want statehood? Says who?' Then after you get that big enthusiastic vote, then D.C. is on a roll to continue the kind of fight it needs to make."

That's going to include persistent lobbying, not just on Capitol Hill but in the states, says Norton. Statehood advocates have [launched a campaign](#) they say will raise money to wage this very fight. The hope is to avoid the fate of the statehood effort in the 1980s, which was ignored by Congress.

Hillary Clinton says she [supports D.C. statehood](#); Donald Trump is more skeptical of it.

### **Practically speaking, how D.C. statehood affect me?**

If D.C. were to become a state tomorrow under this scheme, life would go on largely unchanged. The city would have to pick up the costs of running its court system — and those are not insignificant — but it would also gain the right to levy new taxes to pay for it. (Yes, D.C. would be empowered to impose a commuter tax, though Bowser is noncommittal on that.)

And it would also be freed from congressional interference on some key social issues, marijuana legalization chief amongst those. Congress has blocked any efforts by D.C. officials to legalize, regulate and tax the sale of marijuana. If D.C. became a state, it would be free to do just that — and benefit from the [tens of millions in revenue](#) such a move would be expected to bring in.

D.C. officials also argue that statehood — and the two senators and a single representative it would bring — would increase the city's ability to fight for federal resources. And, for many voters, there's the simple issue of equality that comes into play: D.C. residents pay taxes, serve on juries and fight in wars, so why shouldn't they get congressional representation like everyone else?

### **What are the arguments against D.C. statehood?**

Roger Pilon, a scholar at the libertarian Cato Institute, has argued against D.C. statehood because he says it's [simply unconstitutional as currently proposed](#):

Although the Framers did not set a minimum size for the district, their mention of “ten Miles square,” together with Congress’s nearly contemporaneous creation of the district in 1790 from ten miles square of land ceded to the federal government by Maryland and Virginia, is strong evidence of what they intended—and strong evidence, too, against this enclave scheme. In effect, the proposal would strip Congress’s present authority over today’s District of Columbia simply by redefining “the District.”

He doesn't posit any alternative that would resolve the fact that 672,000 U.S. citizens are unrepresented in Congress, other than encouraging them to move: "That they don't move suggests that they value the vote less than the far greater influence they have over national

affairs, compared to more remote citizens, simply by virtue of their daily proximity to the organs and levers of national power," he writes.

**But what about the U.S. flag? Where does the 51st star go?**

An entrepreneurial flag-designer is [way ahead of the curve](#) on that one already.