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CONTACT: Nikolas Schiller, 202-643-3878
Press@BetterRestaurantsDC.org

Attorney General Karl Racine and the General Counsel of the DC Council Agree: New Voter Initiative Can Go Forward

DC Board of Elections Public Hearing Postponed to August 26

WASHINGTON, DC – Today the DC Committee to Build a Better Restaurant Industry (DCCBRI) is pleased to announce it received supportive legal opinions concerning the “*District of Columbia Full Minimum Wage for Tipped Workers Amendment Act of 2022*,” which should ease the initiative forward to the signature gathering phase this fall after a DC Board of Elections (DCBOE) public hearing on Thursday, August 26, 2021. The opinions can be read at BetterRestaurantsDC.org.

“DC election law requires that after a ballot initiative is submitted to the DC Board of Elections their General Counsel must seek the opinions of the Attorney General for the District of Columbia and the General Counsel of the Council of District of Columbia concerning whether the initiative is proper subject matter before it can move forward to the signature collection phase,” says attorney Joseph Sandler, whose firm, [Sandler Reiff Lamb Rosenstein & Birkenstock](http://SandlerReiffLambRosenstein&Birkenstock), drafted the initiative on behalf of former restaurant workers leading the effort.

Ballot initiatives are prohibited from amending the DC Home Rule Charter, conflicting with the U.S. Constitution, violate the DC Human Rights Act, appropriate funds, negate or limit a budgetary act of the DC Council, and must be properly filed with the DCBOE and the DC Office of Campaign Finance. Although there have been over 81 voter initiatives submitted to the DCBOE since 1979, most were not deemed to be proper subject matter and were unable to proceed.

“We are pleased that Attorney General Karl Racine and General Counsel Nicole Streeter agreed that our initiative is proper subject matter and voters of the District of Columbia will have the opportunity to weigh in again on this important issue at the upcoming public hearing,” says Aniyah Vines, Chairwoman of the committee. “Tipped workers deserve a full wage, not one that is subsidized by the whims of customers, and this initiative will go a long way in fixing this injustice.”

Now that the opinions have been issued, the next step for the new initiative is for the DCBOE to hold the public hearing, which will now take place on Thursday, August 26. Originally scheduled for August

Paid for the DC Committee to Build a Better Restaurant Industry, Adam Eiding Treasurer 2448 Massachusetts Ave NW Washington, DC 20008. The committee is registered with the DC Office of Campaign Finance.

4th, the public hearing has been moved to the last Thursday in August. The public is encouraged to sign up to testify and provide their testimony on why the initiative should go forward.

After the initiative is deemed proper subject matter at the hearing by a vote of the 3-member Board of Elections, the DCBOE will prepare the official petition for circulation and upon issuance the campaign will have 180 days to collect approximately 5% or 26,000 signatures from registered DC voters in order to place the measure on the June 2022 Primary Election ballot. If approved by 50% or more of voters, the “*District of Columbia Full Minimum Wage for Tipped Workers Amendment Act of 2022*” would have to withstand Congressional review and possible DC Council amendments before being implemented. As proposed, tipped workers would see their first pay raise of \$1 in January 2023 and \$2 annually until 2027, when the minimum wage will be at least \$15.20 an hour (indexed to inflation), plus tips on top. The measure does not impact tipping or tip sharing across a business that pays the full minimum wage which is already the law in Washington, DC.

If approved by DC voters in 2022, the new ballot initiative would gradually phase out the sub-minimum base wage tipped workers currently receive and raise it to the same minimum wage non-tipped workers get, with tips on top. As of July 1st, the current sub-minimum wage in DC is \$5.05 an hour and if a tipped worker does not make the prevailing minimum wage of \$15.20 an hour, the employer is supposed to make up the difference. However, this system is not transparent and allows for wage theft, discrimination, and puts workers' livelihoods in the hands of the customer. Worse, during the pandemic, tipped workers saw less unemployment benefits because their income was often tied to unclaimed cash tips. Since union membership in the service sector is very low, public input on the way the service industry operates is needed to build a better and more just for the majority of service workplace.

The new ballot initiative is being proposed by a restaurant worker who lost their job during the pandemic and is in partnership with experienced DC ballot initiative activists who supported previous efforts to raise DC's minimum wage, including Initiatives 76 and 77.

The initiative text, legal opinions, and more information on the new campaign can be found online at [BetterRestaurantsDC.org](https://www.betterrestaurantsdc.org)

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