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DATE: Thursday, August 26, 2021

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## DC Board of Elections Concludes New Voter Initiative is Proper Subject Matter

*Today's Vote Allows Voter Initiative to Move Toward Signature Collection Phase*

*Campaign Aims to Place Voter Initiative on June 2022 Primary Ballot*

WASHINGTON, DC – Today the DC Committee to Build a Better Restaurant Industry is pleased to announce that during the monthly meeting of the DC Board of Elections (DCBOE), the new voter initiative, the [“District of Columbia Full Minimum Wage for Tipped Workers Amendment Act of 2022,”](#) was deemed to be proper subject matter, and will be permitted to go forward with the signature collection phase of the campaign this fall.

“We are pleased that the DCBOE agreed with Attorney General Karl Racine and General Counsel Nicole Streeter that our initiative is proper subject matter and voters of the District of Columbia will have the opportunity to weigh in on this important issue,” 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.”

“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](#), drafted the initiative on behalf of former restaurant workers leading the effort.

Ballot initiatives are prohibited from violating the DC Human Rights Act, amending the DC Home Rule Charter, conflicting with the U.S. Constitution, appropriating funds, negating or limiting budgetary acts 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over 81 voter initiatives submitted to the DCBOE since 1979, most were not deemed to be proper subject matter and were withdrawn or unable to proceed.

“Ballot initiatives cannot legislate discrimination. But the current wage law, passed by the DC Council and vocally supported by the Mayor, is discriminatory. Customers discriminate against tipped workers every single day and this initiative will fix this injustice by ensuring their wages are not subject biases,” says initiative proposer and former tipped worker Ryan O’Leary. “Tips are supposed to be a ‘thank you’ for good service and should have never been allowed to count towards a worker’s wages. We can build a better restaurant industry by changing how workers are compensated.”

Now that the initiative has been deemed proper subject matter, 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 June 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.

## **QUOTES FROM TIPPED WORKERS**

DC tipped workers testified at the hearing in support of the ballot measure to end the subminimum wage for tipped workers. In their comments, they raised the fact that the subminimum wage for tipped workers has subjected them to illegal discrimination, in addition to economic instability. They articulated that with the pandemic, conditions worsened, with tips decreasing while health risks, hostility and sexual harassment increasing -- all leading to thousands of workers leaving the industry and reporting that they do not want to return to work in restaurants without a livable wage with tips on top.

“The subminimum wage is a legacy of slavery and has always been unjust, but the pandemic made a bad situation worse— tips went down, and health risks and harassment went up. And it’s been even worse for our city’s most vulnerable who work in the service industry.” - Dia King, Ward 7

“This ballot measure is critical, and can do much to help alleviate the stress of working in tipped labor environments. There is no labor shortage, there is a shortage of wages and it’s time to finally correct that.” Julian Johnson, Ward 1

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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