



December 10, 2024

700 Pennsylvania Avenue SE
Ste. #2032
Washington, DC 20003
6B@anc.dc.gov

Members of the Council of the District of Columbia

John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

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DELIVERED VIA EMAIL: pmendelson@dccouncil.gov, kmcduffie@dccouncil.gov, abonds@dccouncil.gov, rwhite@dccouncil.gov, chenderson@dccouncil.gov, bnadeau@dccouncil.gov, bpinto@dccouncil.gov, mfrumin@dccouncil.gov, jlewisgeorge@dccouncil.gov, zparker@dccouncil.gov, callen@dccouncil.gov, vgray@dccouncil.gov, twhite@dccouncil.gov

Re: Initiative 83

Dear Council Members:

At a properly noticed general meeting on December 10, 2024, with a quorum present, Advisory Neighborhood Commission (ANC) 6B voted 8-0-0, as recommended by its Executive Committee, to submit the following request to the Council of the District of Columbia.

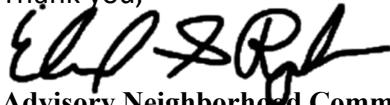
In the 2024 general election, the voters of DC approved Initiative 83 by an impressive vote of 73% in favor, 27% against. According to the DC Board of Elections, Initiative 83 received at least 68.5% support in every single ward. Our ANC has not taken a position (and still does not) on the substantive merits of the voting reforms passed through Initiative 83. However, our ANC firmly believes that it is the duty of elected officials to implement the will of voters as expressed in the Initiative process. We urge the Council to pass enabling legislation, on legal, practical, and moral grounds.

As a legal matter, we are convinced that Initiative 83 is now the binding law of the District, regardless of what the Council does next. D.C. Official Code § 1-204.105 is clear: “the adopted initiative or the act approved by referendum shall be an act of the Council upon the certification of the vote on such initiative or act by the District of Columbia Board of Elections and Ethics, and such act shall become law.” Initiatives are just as much law as anything passed by the Council. Whether the Council likes it is irrelevant – DC now, by law, must have ranked-choice voting and open primaries in the 2026 and all future elections.

As a practical matter, we are aware that some people have suggested refusing to allocate funds to “implement” Initiative 83. Such a response would backfire on the city. All of us remember the years in which politicians’ heel-dragging on marijuana laws turned the city into one giant grey market. Failing to implement could result in a worse catastrophe: every single election result in 2026 and beyond could be tied up in litigation, leaving numerous offices vacant. To further emphasize how impractical it would be to refuse to allocate funds, consider the day-to-day work of the Board of Elections. Its staff are full-time, non-partisan civil servants. They are required by law to create a new ballot for every single election, and their budget is dominated by permanent salaries. It is obvious that, if they were ordered to spend no additional money on implementing Initiative 83, they would and could implement it anyway under their normal budget – indeed, if they failed to do so, they would be violating their oath as civil servants to uphold the law. By “defunding” Initiative 83, the Council would not stop ranked-choice voting or open primaries, it would just cause the whole process to be underfunded and chaotic.

Finally, we urge the council on moral grounds. Normally, legislators such as yourselves have enormous latitude to vote however you wish, because it is not feasible to poll the citizens of the District on every single issue. On the questions of ranked-choice voting and open primaries, however, the citizens have told you exactly what they want. Your job now is not to create the law, but to implement the law that the citizens have written for you. We trust that you will honor the will of the people.

Thank you,



Advisory Neighborhood Commission 6B

Edward Ryder, 2024 Chair