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November 17, 2026

Terri D. Stroud
General Counsel
District of Columbia Board of Elections
1015 Half Street, S.E., Suite 750
Washington, D.C. 20003

Re: Proposed Referendum on the Fairness and Accountability in Initiative Reform Amendment Act of 2026

Dear Ms. Stroud:

D.C. Official Code § 1-1001.16(b)(1A) requires that the General Counsel of the Council of the District of Columbia provide an advisory opinion to the District of Columbia Board of Elections ("Board") as to whether a proposed referendum measure is a proper subject of referendum. I have reviewed the proposed Referendum on the Fairness and Accountability in Initiative Reform Amendment Act of 2026 ("Proposed Referendum") for compliance with the requirements of District law, and based on my review, it is my opinion that the Proposed Referendum is a proper subject of referendum.

I. Applicable Law

The term "referendum" means "the process by which the registered qualified electors of the District of Columbia may suspend acts of the Council of the District of Columbia (except emergency acts, acts levying taxes, or acts appropriating funds for the general operation budget) until such acts have been presented to the registered qualified electors of the District of Columbia for their approval or rejection."[1] The Board may not accept a proposed referendum if it finds that the measure is not a proper subject of referendum under the terms of Title IV of the District of Columbia Home Rule Act or upon any of the following grounds:

[1] D.C. Official Code § 1-204.101(b).

- The verified statement of contributions has not been filed pursuant to D.C. Official Code §§ 1-1163.07 and 1-1163.09;
- The petition is not in the proper form established in D.C. Official Code § 1-1001.16(a);
- The measure authorizes, or would have the effect of authorizing, discrimination prohibited under Chapter 14 of Title 2 of the D.C. Official Code; or
- The measure presented would negate or limit an act of the Council of the District of Columbia pursuant to D.C. Official Code § 1-204.46.[2]

II. The Proposed Referendum

The Proposed Referendum would suspend the Fairness and Accountability in Initiative Reform Amendment Act of 2026, enacted on November 9, 2026 (D.C. Act 26-469; __ DCR ___) ("FAIR Act"), which made changes to provisions of District of Columbia Election Code of 1955 relating to initiatives and referenda. In addition to making a number of procedural changes to the initiative process, the FAIR Act would require the Board of Elections to reject proposed initiatives that address more than one subject matter.

III. The Proposed Referendum is a Proper Subject of Referendum

The Proposed Referendum would not negate or limit an act of the Council pursuant to D.C. Official Code § 1-204.46. The fiscal impact statement for the FAIR Act stated that funds were sufficient in the budget to absorb any costs related to the subtitle.[3] In addition, the Proposed Referendum otherwise conforms with both the District Charter and the U.S. Constitution. The Proposed Referendum does not authorize or have the effect of authorizing any form of discrimination.

Accordingly, the Proposed Referendum is a proper subject of referendum.

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[2] D.C. Official Code § 1-1001.16(b)(1).

[3] See Fiscal Impact Statement of the Chief Financial Officer for the Fair Initiatives Lend Transparency to Every Resident Amendment Act of 2026, available at https://lims.dccouncil.gov/downloads/LIMS/57846/Meeting3/Amendment/B26-0265-Amendment8.pdf?Id=218148.

I am available if you have any questions.

Sincerely,

Nicole L. Streeter

Nicole L. Streeter
General Counsel, Council of the District of Columbia