



OFFICE OF THE GENERAL COUNSEL

Council of the District of Columbia  
1350 Pennsylvania Avenue NW, Suite 4  
Washington, DC 20004  
(202) 724-8026

December 6, 2023

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

Re: Proposed Initiative, the “Human Environment ‘Block up Plan’ ‘S.W.A.P. O.U.T.’ for Movement & Minds for ‘The Bad for the Good’ Amendment Act of 2024”

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 initiative is a proper subject of initiative. I have reviewed the “Human Environment ‘Block up Plan’ ‘S.W.A.P. O.U.T.’ for Movement & Minds for ‘The Bad for the Good’ Amendment Act of 2024” (“Proposed Initiative”) for compliance with the requirements of District law, and based on my review, it is my opinion that the Proposed Initiative is not a proper subject of initiative.

**I. Applicable Law**

The term “initiative” means “the process by which the electors of the District of Columbia may propose *laws* (except laws appropriating funds) and present such proposed laws directly to the registered qualified electors of the District of Columbia for their approval or disapproval.”<sup>1</sup> The Board may not accept a proposed initiative if it finds that the measure is not a proper subject of initiative under the terms of Title IV of the District of Columbia Home Rule Act or upon any of the following grounds:

- The verified statement of contributions has not been filed pursuant to D.C. Official Code §§ 1-1163.07 and 1-1163.09;

---

<sup>1</sup> D.C. Official Code § 1-204.101(a) (emphasis added).

- 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.<sup>2</sup>

## II. The Proposed Initiative

The Proposed Initiative purports to propose six policies, which are described as follows:

1. Innocence Project exchanges society “Zoom” virtual court attendance and appointments;
2. Society, prison and adjustments initiative “non-rehabilitative and rehabilitative exchanges re-entry;
3. Weapon and ammo innovation exchanges failure true-and-tried ideas;
4. Weapon and ammo exchanges sentence rehabilitative reduction;
5. Addictions exchanges NIH research medication, prescription and location services at stationary designation; and
6. New mobile bodyguard security for citizens globally.

Beyond these descriptions, it is difficult to summarize the Proposed Initiative, given how it is drafted. The Proposed Initiative contains lengthy and confusing narrative discussions, but nothing that could be construed as legislative text that could be adopted or implemented.

## III. The Proposed Initiative is Not a Proper Subject of Initiative

The right of initiative is to be construed liberally, and “only those limitations expressed in law or clear[ly] and compelling[ly] implied” are to be imposed upon that right.<sup>3</sup> Absent expressed or implied limitation, “the power of the electorate to act by initiative is coextensive with the power of the [Council] to adopt legislative measures.”<sup>4</sup> However, each initiative must propose a law.<sup>5</sup>

---

<sup>2</sup> D.C. Official Code § 1-1001.16(b)(1).

<sup>3</sup> *Convention Center Referendum Committee v. DCBOEE*, 441 A.2d 889, 913 (D.C. 1981).

<sup>4</sup> *Id.* At 897.

<sup>5</sup> D.C. Official Code § 1-204.101(a).

In a similar case, *in re: University Incubator Initiative*, the Board considered whether a proposed initiative, which posed a policy question (“Should a revision and/or amendment . . . be approved to include a Universal Inclusion Startup incubator at the college and university level?”) with no indication as to what the incubator program was seeking to accomplish, was a proper subject of initiative.<sup>6</sup> The Board concluded that the proposed initiative was not a proper subject of initiative because it was not legislative in nature because the measure did not accomplish anything by its terms.<sup>7</sup>

Here, the Proposed Initiative contains no text that could be construed as a legislative proposal. Even if the electorate were to approve the Proposed Initiative, it would have no effect. Accordingly, the Board should find that the Proposed Initiative is not the proper subject of initiative.

I am available if you have any questions.

Sincerely,

*Nicole L. Streeter*

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

---

<sup>6</sup> Board Memorandum Opinion and Order, “*In re: University Incubator Initiative*”, 18-012 (August 1, 2018).

<sup>7</sup> *Id.* At 5.