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## **Supporters of the *Make All Votes Count Act of 2024* to Testify at DCBOE Subject Matter Determination Hearing** *Fate of Ballot Initiative and Ability to Reform DC's Voting Methods at Stake*

**WASHINGTON, DC** — On Tuesday, July 18 at 10:30am, the District of Columbia Board of Elections (DCBOE) will hold its July monthly meeting and on the [agenda](#) is the fate of the ballot initiative to make it easier to hold politicians accountable and stop DC voter suppression, known as the [Make All Votes Count Act of 2024](#). This ballot initiative will allow DC voters registered as independent to vote in primary elections and let all DC voters use ranked choice voting to elect candidates.

Before the ballot initiative is assigned a number, it must first be determined that it is “proper subject matter” by the politically-appointed, three-member Board. This determination means that the ballot initiative is properly filed with the DCBOE and Office of Campaign Finance (OCF) does not conflict with the Home Rule Act or the U.S. Constitution, does not authorize discrimination in violation of the DC Human Rights Act, does not negate or limit a budgetary act of the DC Council, and does not appropriate funds. If the ballot initiative is found to be “proper subject matter,” then the initiative has passed the first hurdle toward making it on the ballot next year.

The District of Columbia law pertaining to ballot initiatives requires the DCBOE to request non-binding, advisory opinions from the Office of the Attorney General (OAG) and Office of the General Counsel of the District Council (OGC) on whether the ballot initiative is “proper subject matter.” Based on these analyses, the original draft of the ballot initiative that was submitted on May 17, 2023 was withdrawn and resubmitted on June 16. On Wednesday, July 12, the advisory opinions concerning the second iteration of the ballot initiative were shared with the Make All Votes Count DC campaign and they continue to show a divided opinion between the two offices.

“The OGC [believes](#), incorrectly, that the ballot initiative is not ‘proper subject matter,’ perhaps due to opposition from the Chair of the DC Council; however, the [OAG has conducted thorough legal analysis – twice – and believes that the resubmitted initiative is ‘proper subject matter.’](#)” says Lisa D. T. Rice, Ward 7 ANC commissioner, native Washingtonian, and proposer of the ballot initiative. “The opposing legal opinions by government attorneys means DCBOE’s decision will be determined by the

strongest arguments based on facts and legal precedence,” adds Rice, who plans to testify at Tuesday’s DCBOE hearing.

“Our ballot initiative was written to be budget neutral in order to be validated in this hearing and eventually let the voters decide on these critical changes to DC’s election laws,” says Philip Pannell, campaign treasurer, five-time president of the Ward 8 Democrats, and DC statehood activist for nearly 5 decades. “We are disappointed that the OGC failed to do their due diligence because ballot initiatives can be deemed ‘proper subject matter,’ even if they are subject to appropriations. They are not ‘proper subject matter’ if they *require* appropriations and the OGC’s advisory opinion does not see this important difference.”

Under the first version of the ballot initiative’s legislative text, there were concerns cited by the OAG that the initiative was “proper subject matter” but only if a “subject to appropriations” clause was added. Most ballot initiatives are self-executing and require no government action to become law. However, it was pointed out by the OAG that there may be some requirements on how DC agencies spend money. This could legally be considered “appropriating funds” even if they have minimal or no cost, because it is appropriating staff time. Therefore, the campaign added a “subject to appropriations” clause to the ballot initiative’s legislative text to ensure the measure is deemed “proper subject matter.”

The *Make All Votes Count Act of 2024* also proposes to expand the number of voters eligible to participate in DC’s taxpayer-funded, primary elections. The ballot initiative will allow independent voters who are not registered with a political party to request a ballot and vote in the partisan primary of their choosing. The ballot initiative does not permit members of political parties to request ballots of a different party, rather it only provides a new right to vote for people with no party affiliation (Listed as “NPA” on the DCBOE’s [Voter Registration Statistics](#)). Only 10 states and the District of Columbia maintain closed primary elections and the ballot initiative would move DC voters toward a more inclusive democracy.

“As the OAG highlighted in their opinion, our ballot initiative will expand the DC Human Rights Act so that more voters will have ‘the ability to participate fully in an important aspect of life in the District,’” says Rice, who is one of DC’s 86,000 independent voters. “The current system authorizes discrimination against one in six DC voters, and it’s time to change this sad fact. Reforming primaries is a necessary policy change to encourage the participation of more Washingtonians in the democratic process. We must do exactly that to help create a more functional and representative government.”

Should the ballot initiative be deemed “proper subject matter” by the DCBOE on Tuesday, July 18, the ballot initiative will be reviewed by the Office of the Chief Financial Officer (CFO), which has 15 business days to provide their analysis to the DCBOE. If unfunded aspects of the ballot initiative are found, the campaign will still be able to go on to the next phase of the campaign, which is the finalizing of the short title, summary statement, and legislative text. Once this phase is completed, the campaign will eventually be issued circulating petitions and in order to achieve ballot access and put the ballot initiative before voters, the campaign will need to collect the signatures of 5% of the registered voters in 5 of the 8 wards of the District of Columbia within 180 days. Based on the [June](#)

[30. 2023. DCBOE Voter Registration Statistics](#), there are currently 527,029 registered voters. Therefore the campaign will need to collect 26,352 valid signatures to achieve ballot access. If the ballot initiative is approved by DC voters in 2024, and any potential funding requirements appropriated by the DC Council, the first applicable election of the *Make All Votes Count Act of 2024* would be the June 2026 Primary election.

*Members of the [Make All Votes Count DC](#) campaign will be available for interviews before and after Tuesday's hearing.*

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