

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

In Re:

“The District of Columbia Time Stability Act”

Administrative Hearing
No. 25-012

MEMORANDUM OPINION AND ORDER

This matter came before the Board of Elections (“the Board”) at a hearing convened on Thursday, June 5, 2025 to determine whether the proposed initiative measure, “The District of Columbia Time Stability Act,” (“the Measure”) presents a proper subject for initiative under applicable District of Columbia law. Board Chairman Gary Thompson and Board member Karyn Greenfield presided over the hearing. The Board’s General Counsel, Terri Stroud, and the initiative proposer, Daniel Bernier (“the Proposer”), were also present.

Statement of Facts

On April 11, 2025, the Proposer, a D.C. registered voter, submitted the measure in the proper form in accordance with D.C. Official Code § 1-1001.16(a), including the full text, a short title, a summary statement, and a verified statement of contributions. The measure seeks to exempt the District of Columbia from observing Daylight Saving Time (“DST”) under the authority granted by the federal Uniform Time Act of 1966¹ (“Uniform Time Act”) and to establish year-round observance of Eastern Standard Time.

On April 14, 2025, the Board’s Office of General Counsel requested advisory opinions regarding the propriety of the Measure from the Office of the Attorney General for the District of Columbia (“the OAG”) and General Counsel for the Council of the District of Columbia (“the

¹ 15 U.S.C. § 260 *et seq.*

CGC”).²

On April 29, 2025, the OAG provided an advisory opinion to the Board.³ The opinion stated that the Measure is a proper subject of initiative under District law reasoning that the measure is expressly authorized by the Uniform Time Act, does not appropriate funds, and does not violate the Home Rule Act, the U.S. Constitution, or other applicable legal requirements.

On May 5, 2025, the CGC provided her advisory opinion to the Board.⁴ That opinion concluded that the Measure is a proper subject of initiative as it complies with the requirements of District law and the Uniform Time Act, does not appropriate funds, authorize discrimination, or negate an act of the Council, and is consistent with the District Charter and the U.S. Constitution.

During the hearing held on the matter on June 5, 2025, the Board’s General Counsel discussed the conclusions reached in the advisory opinions and submitted the opinions for the record. She stated that the Office of General Counsel had reviewed the Measure and agreed with the opinions rendered by both the OAG and the CGC. She explained that, if enacted, the Measure would exempt the District from the observance of Daylight Saving Time, and that such action does not conflict with the relevant federal statute. The Uniform Time Act expressly authorizes states, which, for purposes of the Act, includes the District, to exempt themselves from Daylight Saving Time. The General Counsel further advised that the proposed initiative does not violate

² D.C. Official Code § 1-1001.16(b)(1A)(b)(i) requires the OAG and CGC to provide advisory opinions regarding the propriety of proposed initiative measures.

³ Brian Schwalb, Attorney General for the District of Columbia, Letter to Terri D. Stroud, General Counsel, Board of Elections (April 29, 2025).

⁴ Nicole L. Streeter, General Counsel, Council of the District of Columbia, Letter to Terri D. Stroud, General Counsel, Board of Elections (May 5, 2025).

any other federal law and otherwise satisfies all proper subject requirements. Accordingly, the General Counsel recommended that the Board accept the Measure on the grounds that it presents a proper subject under Title 4 of the District of Columbia Home Rule Act and otherwise meets all requirements the Board is obligated to consider in determining whether a measure is a proper subject for initiative.

Upon being provided an opportunity to comment, the Proposer stated that he agreed with the opinions presented by the General Counsel, the OAG, and the CGC.

After providing an opportunity for comment and hearing from the General Counsel and the Proposer, the Board Chair made a motion that the Board find that the Measure meets all proper subject requirements. The motion was duly seconded and passed unanimously.

Analysis

Pursuant to D.C. Official Code § 1-204.101(a), “[t]he 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.”⁵ The right of initiative must be construed liberally, and “only those limitations expressed in the law or clearly and compellingly implied” may be imposed upon it.⁶

⁵ See also D.C. Official Code §1-1001.02(10).

⁶ See *Hessey v. Burden*, 584 A.2d 1, 3 (D.C. 1990).

One of the initial steps in the initiative process is the Board's review of whether a proposed law or measure meets certain "proper subject matter" requirements. As stated in the Board's regulations:

A measure does not present a proper subject for initiative ..., and must be refused by the Board, if:

- (a) The measure presented would violate the Home Rule Act;
- (b) The measure presented seeks to amend the Home Rule Act;
- (c) The measure presented would appropriate funds;
- (d) The measure presented would violate the U.S. Constitution;
- (e) The statement of organization and the report(s) of receipts and expenditures have not been filed with the Office of Campaign Finance;
- (f) The form of the measure does not include legislative text, a short title, or a summary statement containing no more than one hundred (100) words;
- (g) The measure authorizes or would have the effect of authorizing discrimination prohibited under the Human Rights Act of 1977 or any subsequent amendments; or
- (h) The measure would negate or limit an act of the Council enacted pursuant to § 446 of the Home Rule Act ["Enactment of local budget by Council"].^[7]

If a measure does not run afoul of the aforementioned provisions, it presents a proper subject of initiative and must therefore be accepted for ballot access. Such is the case with the Measure before us.

⁷ 3 DCMR 1000.5.

The Measure proposes to exempt the District of Columbia from the observance of Daylight Saving Time and to establish permanent standard time year-round. The federal law relevant to the subject matter of the Measure, the Uniform Time Act expressly authorizes states⁸ to do just that via their legislative authority. The relevant provision states:

“[A]ny State that lies entirely within one time zone may by law exempt itself from the provisions of this subsection providing for the advancement of time, but only if that law provides that the entire State (including all political subdivisions thereof) shall observe the standard time otherwise applicable during that period[.]”

15 U.S.C. § 260a(a)(1).

As the District’s legislative body, the Council of the District of Columbia would be authorized to exempt the District from Daylight Savings Time by law. It is firmly established that, “[a]bsent 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.” Therefore, in the absence of an express or implied limitation in federal or District law, the electorate may utilize the right of initiative to do what the Council could do: propose a law that would exempt the District from Daylight Savings Time by law. This is precisely what the Measure proposes to do. There is no such express or implied limitation in federal or District law precluding this proposal. Accordingly, the Measure does not conflict with the U.S. Constitution.

Nor does the Measure run afoul of any other prohibitions statutorily prescribed for initiatives; it does not otherwise conflict with or seek to amend the Home Rule Act, it does not

⁸ 15 U.S.C. § 267 provides: “As used in this Act, the term ‘State’ includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, or any possession of the United States.”

appropriate funds or negate a budgetary act of the Council, and it does not authorize discrimination in violation of the Human Rights Act. In addition, the Measure meets all technical filing requirements: it was submitted in the proper form, and its Proposer timely filed the supporting verified statement of contributions.

Accordingly, the Board concludes that Measure is a proper subject of initiative under District law and may proceed through the ballot access process.

Conclusion

For the foregoing reasons, the Board finds that the “The District of Columbia Time Stability Act” presents a proper subject for an initiative in accordance with District law. Accordingly, it is hereby:

ORDERED that the Measure is **ACCEPTED** as a proper subject of initiative pursuant to D.C. Official Code §1-1001.16(b)(1).

The Board issues this written order today, which is consistent with its oral ruling rendered on June 5, 2025.

Dated: June 9, 2025



Gary Thompson
Chair
Board of Elections