

## **DC BOARD OF ELECTIONS**

### **NOTICE OF PUBLIC MEETING TO FORMULATE SHORT TITLE, SUMMARY STATEMENT, AND LEGISLATIVE FORM FOR REFERENDUM MEASURE NO. 009**

Pursuant to D.C. Official Code § 1-1001.16(c)-(d) and 3 D.C.R.M. § 1001.1, the Board of Elections hereby gives notice that the Board will meet to formulate ballot language (short title, summary statement, and legislative form or “formulations”) for Referendum Measure No. 009, “Referendum on the Tipped Minimum Wage Timeline Amendment Act of 2025” at a special meeting on December 16, 2025 at 10:00 a.m. at 1015 Half Street SE, Suite 750, Washington DC 20003. The Board’s proposed formulations, which were presented and discussed at a special meeting held on October 22, 2025, are included in this notice and are followed by the short title, summary statement, and legislative form as submitted by the proposer of the measure.

The Board will meet remotely. Members of the public can access the meeting by using the following information:

Join from PC, Mac, iPad, or Android:

<https://us06web.zoom.us/j/84246755811>

Phone one-tap:

+13126266799,,84246755811# US (Chicago)

+16468769923,,84246755811# US (New York)

Join via audio:

+1 312 626 6799 US (Chicago)

+1 646 876 9923 US (New York)

+1 646 931 3860 US

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

+1 309 205 3325 US

+1 669 900 6833 US (San Jose)

+1 689 278 1000 US

+1 719 359 4580 US

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 360 209 5623 US

+1 386 347 5053 US

+1 408 638 0968 US (San Jose)

+1 507 473 4847 US

Webinar ID: 842 4675 5811

International numbers available: <https://us06web.zoom.us/j/84246755811>

### **REFERENDUM MEASURE**

NO. 009

## **SHORT TITLE**

Referendum on the Tipped Minimum Wage Timeline Amendment Act of 2025

## **SUMMARY STATEMENT**

Initiative 82 eliminated the tip credit by gradually raising the minimum wage for tipped workers to 100% of the standard minimum wage by 2027. In July 2025, the Council adopted an act that changes Initiative 82 to freeze the minimum wage for tipped workers at \$10/hour until July 1, 2026, then gradually increases those wages to 75% of the standard minimum wage by 2034. Vote YES to permit the Council's changes to Initiative 82 to become law. Vote NO to reject the Council's changes and keep Initiative 82.

## **LEGISLATIVE TEXT**

Shall the registered voters of the District of Columbia approve or reject sections 2221 through 2223 of Act 26-148?

### **SUBTITLE W. TIPPED MINIMUM WAGE**

Sec. 2221. Short title.

This subtitle may be cited as the "Tipped Minimum Wage Timeline Amendment Act of 2025".

Sec. 2222. The Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1001 *et seq.*), is amended as follows:

(a) Section 4 (D.C. Official Code § 32-1003) is amended as follows:

(1) Subsection (f) is amended as follows:

(A) Paragraph (3) is amended by striking the date "January 1, 2023" and inserting the date "May 1, 2023" in its place.

(B) Paragraph (6) is repealed.

(C) A new paragraph (6A) is added to read as follows:

"(6A) Except as provided in subsections (h) and (i) of this section, as of July 1, 2026, the tipped minimum wage shall be 56% of the minimum wage provided in subsection (a) of this section, with tips on top; provided, that the employee actually receives tips in an amount at least equal to the difference between the hourly wage paid and the minimum wage as set by subsection (a) of this section."

(D) Paragraphs (7) and (8) are amended to read as follows: "(7) Except as provided in subsections (h) and (i) of this section, as of

July 1, 2028, the tipped minimum wage shall be 60% of the minimum wage provided in subsection (a) of this section, with tips on top; provided, that the employee actually receives tips in an amount at least equal to the difference between the hourly wage paid and the minimum wage as set by subsection (a) of this section.

"(8) Except as provided in subsections (h) and (i) of this section, as of July 1, 2030, the tipped minimum wage shall be 65% of the minimum wage provided in subsection (a) of this section, with tips on top; provided, that the employee actually receives tips in an amount at least equal to the difference between the hourly wage paid and the minimum wage as set by subsection (a) of this section."

(E) New paragraphs (9) and (10) are added to read as follows:

“(9) Except as provided in subsections (h) and (i) of this section, as of July 1, 2032, the tipped minimum wage shall be 70% of the minimum wage provided in subsection (a) of this section, with tips on top; provided, that the employee actually receives tips in an amount at least equal to the difference between the hourly wage paid and the minimum wage as set by subsection (a) of this section.

“(10) Except as provided in subsections (h) and (i) of this section, as of July 1, 2034, the tipped minimum wage shall be 75% of the minimum wage provided in subsection (a) of this section, with tips on top; provided, that the employee actually receives tips in an amount at least equal to the difference between the hourly wage paid and the minimum wage as set by subsection (a) of this section.”.

(2) Subsection (i) is amended by striking the phrase “, and (7)” and inserting the phrase “(6A), (7), (8), (9), and (10)” in its place.

(b) Section 8a (D.C. Official Code § 32-1007.01) is amended as follows:

(1) Designate the existing text as subsection (a).

(2) A new subsection (b) is added to read as follows:

“(b)(1) The Office of the Chief Financial Officer, beginning on June 1, 2027, and every 2 years thereafter, shall publish a report on the economic trends affecting the restaurant industry and tipped full-service and limited-service restaurant workers in the District that:

“(A) Compares wages and salaries for tipped restaurant workers year over year;

“(B) Indicates the average gross receipts for restaurants in the District;

“(C) Analyzes the changes in wages for tipped restaurant workers year over year;

“(D) Compares the number of full-service and limited-service restaurants year over year; and

“(E) Indicates the total number of restaurants that claimed a retailer property tax relief credit pursuant to D.C. Official Code §§ 47-1807.14 and 47-1808.14 year over year.

“(2) Each report published pursuant to paragraph (1) of this subsection after the June 1, 2027, report, shall also include an analysis of the effect of section 70201 of the One Big Beautiful Bill Act, approved July 4, 2025 (Pub. L. No. 119-21; 139 Stat. 170), on tipped workers’ overall tax liability to the District.

“(3) By January 1, 2036, the Office of the Chief Financial Officer shall publish a report analyzing the effect of the tipped minimum wage reaching 100% of the regular minimum wage on the restaurant industry and tipped workers in the District.”.

(c) Section 9(b) (D.C. Official Code § 32-1008(b)), is amended as follows:

(1) Paragraph (6) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(2) A new paragraph (6A) is added to read as follows:

“(6A) Beginning on January 1, 2026, a list of sources of the employee’s compensation in addition to base wages and gratuities, including bonuses, commissions on sales, any amount calculated as a percentage of service charges, or other sources; and”.

Sec. 2223. Applicability.

Section 2222(a)(1) shall apply as of July 25, 2025.

The Short Title, Summary Statement, and Legislative Text of the proposed measure, as submitted to the Board by the proposer of the measure, read as follows:

### **SHORT TITLE**

#### **REFERENDUM ON TIPPED MINIMUM WAGE TIMELINE AMENDMENT ACT OF 2025**

### **SUMMARY STATEMENT**

In 2022, a majority of District of Columbia voters approved Initiative 82, which raises the minimum wage for tipped workers to 100% of the minimum wage by 2027, with tips in addition. In July 2025, the Council of the District of Columbia enacted a law significantly changing Initiative 82, by freezing tipped workers' wages at \$10/hour until July 1, 2026 then gradually increasing those wages to 75% of the regular minimum wage by 2034. This referendum concerns whether that law should be approved (changing Initiative 82) or rejected (upholding Initiative 82 as originally approved by voters).

### **TEXT OF MEASURE**

Shall the registered voters of the District of Columbia approve or reject the Tipped Minimum Wage Timeline Amendment Act of 2025, Title II, Subtitle W of D.C. Act 26-148.

#### **D.C. Act 26-148, Title II, Subtitle W— Tipped Minimum Wage Timeline Amendment Act of 2025**

”Sec. 2222. The Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1001 *et seq.*), is amended as follows:

(a) Section 4 (D.C. Official Code § 32-1003) is amended as follows:

(1) Subsection (f) is amended as follows:

(A) Paragraph (3) is amended by striking the date “January 1, 2023” and inserting the date “May 1, 2023” in its place.

(B) Paragraph (6) is repealed.

(C) A new paragraph (6A) is added to read as follows:

“(6A) Except as provided in subsections (h) and (i) of this section, as of July 1, 2026, the tipped minimum wage shall be 56% of the minimum wage provided in subsection (a) of this section, with tips on top; provided, that the employee actually receives tips in an amount at least equal to the difference between the hourly wage paid and the minimum wage as set by subsection (a) of this section.”.

(D) Paragraphs (7) and (8) are amended to read as follows:

“(7) Except as provided in subsections (h) and (i) of this section, as of July 1, 2028, the tipped minimum wage shall be 60% of the minimum wage provided in subsection (a) of this section, with tips on top; provided, that the employee actually receives tips in an amount at least equal to the difference between the hourly wage paid and the minimum wage as set by subsection (a) of this section.

“(8) Except as provided in subsections (h) and (i) of this section, as of July 1, 2030, the tipped minimum wage shall be 65% of the minimum wage provided in subsection (a) of this section, with tips on top; provided, that the employee actually receives tips in an amount at least equal to the difference between the hourly wage paid and the minimum wage as set by subsection (a) of this section.”.

(E) New paragraphs (9) and (10) are added to read as follows:

“(9) Except as provided in subsections (h) and (i) of this section, as of July 1, 2032, the tipped minimum wage shall be 70% of the minimum wage provided in subsection (a) of this section, with tips on top; provided, that the employee actually receives tips in an amount at least equal to the difference between the hourly wage paid and the minimum wage as set by subsection (a) of this section.

“(10) Except as provided in subsections (h) and (i) of this section, as of July 1, 2034, the tipped minimum wage shall be 75% of the minimum wage provided in subsection (a) of this section, with tips on top; provided, that the employee actually receives tips in an amount at least equal to the difference between the hourly wage paid and the minimum wage as set by subsection (a) of this section.”.

(2) Subsection (i) is amended by striking the phrase “, and (7)” and inserting the phrase “(6A), (7), (8), (9), and (10)” in its place.

(b) Section 8a (D.C. Official Code § 32-1007.01) is amended as follows:

(1) Designate the existing text as subsection (a).

(2) A new subsection (b) is added to read as follows:

“(b)(1) The Office of the Chief Financial Officer, beginning on June 1, 2027, and every 2 years thereafter, shall publish a report on the economic trends affecting the restaurant industry and tipped full-service and limited-service restaurant workers in the District that:

“(A) Compares wages and salaries for tipped restaurant workers year over year

“(B) Indicates the average gross receipts for restaurants in the District;

“(C) Analyzes the changes in wages for tipped restaurant workers year over year;

“(D) Compares the number of full-service and limited-service restaurants year over year; and

“(E) Indicates the total number of restaurants that claimed a retailer property tax relief credit pursuant to D.C. Official Code §§ 47-1807.14 and 47-1808.14 year over year.

“(2) Each report published pursuant to paragraph (1) of this subsection after the June 1, 2027, report, shall also include an analysis of the effect of section 70201 of the One Big Beautiful Bill Act, approved July 4, 2025 (Pub. L. No. 119-21; 139 Stat. 170), on tipped workers’ overall tax liability to the District.

“(3) By January 1, 2036, the Office of the Chief Financial Officer shall publish a report analyzing the effect of the tipped minimum wage reaching 100% of the regular minimum wage on the restaurant industry and tipped workers in the District.”.

(c) Section 9(b) (D.C. Official Code § 32-1008(b)), is amended as follows:

(1) Paragraph (6) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(2) A new paragraph (6A) is added to read as follows:

“(6A) Beginning on January 1, 2026, a list of sources of the employee’s compensation in addition to base wages and gratuities, including bonuses, commissions on sales, any amount calculated as a percentage of service charges, or other sources; and”.

“Sec. 2223. Applicability.

Section 2222(a)(1) shall apply as of July 25, 2025.”