GOVERNMENT
OF
THE DISTRICT OF COLUMBIA
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BOARD OF ELECTIONS
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SPECIAL BOARD MEETING
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TUESDAY
February 18, 2020
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The District of Columbia Board of Elections convened a Special Board Meeting in Suite 750, 1015 Half Street, S.E., Washington, D.C., 20003, pursuant to notice at 11:50 a.m., Michael Bennett, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

MICHAEL BENNETT, Chair
MIKE GILL, Member
KARYN GREENFIELD, Member

BOARD OF ELECTIONS STAFF PRESENT:

ALICE P. MILLER, Executive Director
TERRI D. STROUD, General Counsel
Good morning. This is the Special Meeting of the Board, February 18th, to consider the matter associated with the Entheogenic Plant and Fungus Policy Act of 2020. Let me call the meeting to order. Can you hear us okay?

To my far left is Executive Director of the Board of Elections, Ms. Alice Miller. To her right is Board Member Karyn Greenfield. To my left is granddaughter Christine Bennett. To my right is General Counsel Terri Stroud, and to her right is Board Member Michael Gill.

The meeting is now called to order, and I will turn it over to Ms. Stroud --

Thank you.

-- for the order of business.

So as Chairman Bennett indicated, this meeting is to have a hearing to formulate the short title, summary statement, and
legislative form of the proposed initiative
measure titled the Entheogenic Plant and Fungus

My office has prepared draft
formulations, and I will read those formulations
for the short title and summary statement into
the measure -- I mean, into the record. The
short title is the Entheogenic Plant and Fungus

The summary state reads as follows: if
enacted, this initiative would make the
investigation and arrest of adults for
noncommercial planting, cultivating, purchasing,
transporting, distributing, possessing, and/or
engaging in practices with entheogenic plants and
fungi among the Metropolitan Police Department's
lowest law enforcement priorities and codify that
the people of the District of Columbia call upon
the Attorney General for the District of Columbia
and the United States Attorney for the District
of Columbia to cease prosecution of residents of
the District of Columbia for these activities.
Those are the formulations, and Mr. Chair?

CHAIR BENNETT: Okay. At this point, we'll entertain any suggestions from the Board members. Ms. Greenfield, any suggestions?

MEMBER GREENFIELD: No, I don't have any. I'm fine.

CHAIR BENNETT: Mr. Gill?

MEMBER GILL: No, I don't have any suggestions. I just wanted to make it clear that I was not here when this was originally debated. And had I been here, I would've voted in favor of including it and it is proper subject matter. But I continue to worry about text within these referendums --

MS. STROUD: Initiatives.

MEMBER GILL: -- initiatives. That being said, it's more of a communications issue that I have than with the actual text. I don't think we want to get into the business of editing texts.

In this one, I talked to the general
counsel about the reference to scientific studies. But there's no citation. There's no backing to that at all.

The way that you oppose that is you don't sign the petition. And I think it's more a matter of Board of Elections communicating that we don't mess with the text. But if you don't support it, then you don't sign it.

So I just want to raise that. But otherwise I have no suggestions, Mr. Chairman. Thank you.

CHAIR BENNETT: Thank you. Any suggestions from any interested parties that are here?

MS. STROUD: You can come forward.

CHAIR BENNETT: Yeah.

MS. STROUD: And if you could both state your names and addresses for the record.


MR. Sandler: I'm Joseph Sandler, counsel for the proposer and the Committee, 1090
CHAIR BENNETT: Thank you. This is your opportunity if you have any suggestions for the language or anything else that you would like to add.

By the way, I would just note for the record that the conduct of the hearing we had, the meeting we had before, was well done. I think the positions were well stated. And you gave us the kind of things that we needed, both in writing and in testimony that helped us get through the process. And we don't always have that. So well done. Thank you.

MS. LAVASANI: Thank you.

MR. SANDLER: Thank you, Mr. Chairman.

And we greatly appreciate the Board expediting the instruments, the summary and title and legislative form. We have no suggestions.

We do have one question which is assuming that the Board approves the short title, summary statement, and legislative text in this
forum today and it's published in the Register, then probably presumably Friday, February 28th.

The ten-day period for a court challenge would not expire until the 9th of March at the next regular meeting. And we wanted to inquire as to whether -- assuming there's no court challenge, of course, no one can be sure.

But on that assumption, could we anticipate that the Board will schedule a special meeting so that the condition form would be received by mid-March?

(Simultaneous speaking.)

CHAIR BENNETT: You're stealing my further question on that point. However, I'll answer now since you asked now. You're right with regard to your schedule that assuming things happen today and the DC Register registration court challenge ends March 9th. The next scheduled full Board meeting is on April 1st, I believe, right?

MS. STROUD: It is.

CHAIR BENNETT: At the latest, it'll
be April 1st. We will make an attempt to have a
special meeting in advance of that to try and get
it issued to allow you to start collecting
signatures as soon as possible. We're looking
out for you.

So that's the answer. I just need to
talk to the other Board members and figure out
when we can get it done. The other thing is we
actually do have the capability to do virtual
meetings. And for something like that, we may
end up -- if we're not able to get everybody's
calendar lined up. Of course, this could be here
-- if this would be short-term, then obviously we
could issue it.

So the long answer to your short
question is we're going to try to get it as soon
as possible. The latest would be April 1st, but
we understand that you'd like to get it started
sooner versus later.

MR. SANDLER: I appreciate that.

Thank you, Mr. Chairman.

CHAIR BENNETT: Okay. If there's
nothing else, I will call for a motion from one
of our Board members. And since Mr. Gill didn't
have an opportunity to just in the last meeting,
I'll ask Mr. Gill if he'd like to provide a
motion.

MEMBER GILL: A motion for the --
sorry. A motion for the Board to accept the
short title, the summary statement, and the
subtext?

CHAIR BENNETT: Okay. Can I get a
second?

MEMBER GREENFIELD: I second.

CHAIR BENNETT: It's properly moved
and seconded and it's time for a vote. I'll ask
for a specific vote. Ms. Greenfield, your vote
is?

MEMBER GREENFIELD: Yes.

CHAIR BENNETT: Mr. Gill?

MEMBER GILL: Aye.

CHAIR BENNETT: And I vote yes as
well. So unanimous. We will move forward with
the process since you guys have no suggestions.
And Ms. Stroud?

MS. STROUD: So as the Board has officially adopted the short title, summary statement, and legislative form that was read into the record, we will publish the formulations in the D.C. Register.

We'll publish them today. We'll send them to the Registry today and they should be published not this coming Friday but the next Friday as he indicated. And that will start a ten-day challenge period during which anyone can file objections to the Board's formulations.

And as you indicated, the last day for a challenge to be filed will be March 9th. And so that will be the last day for anyone to challenge. And if everything goes without a challenge, then at any time after that, the Board can issue the petition. And Chairman Bennett indicated what are timeline will be in the instance that there's no challenge filed.

CHAIR BENNETT: So I will talk to the Board members after this session and see if we
can figure out a day that we can get that done.  
And don't hold me to it. But at the latest,  
it'll be April 1st.  

But we'll really do our best to try  
and make sure that we can have it sooner so that  
you can get started as soon as possible after the  
challenge, assuming there are no challenges to  
the petition.  

MR. SANDLER: Thank you.  

MS. LAVASANI: Thank you.  

CHAIR BENNETT: Okay, great. If there  
are no other matters for the Board today. Ms.  
Miller? Ms. Stroud?  

MS. MILLER: I have nothing.  

CHAIR BENNETT: Okay.  

MS. STROUD: I have nothing further.  

CHAIR BENNETT: All right. This  
meeting is adjourned. Thank you.  

(Whereupon, the above-entitled matter  
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In the matter of: Board Meeting

Before: DC BOE

Date: 02-18-20

Place: Washington, DC

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

[Signature]
Court Reporter