GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

BOARD OF ELECTIONS

+ + + + +

REGULAR BOARD MEETING

+ + + + +

WEDNESDAY

MAY 6, 2020

+ + + + +

The District of Columbia Board of Elections convened via teleconference, pursuant to notice, at 10:00 a.m. EDT, D. Michael Bennett, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

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

BOARD OF ELECTIONS STAFF PRESENT:

ALICE P. MILLER, Executive Director
TERRI D. STROUD, General Counsel

ALSO PRESENT:

CECILY COLLIER-MONTGOMERY, Director,

Office of Campaign Finance
**C-O-N-T-E-N-T-S**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Call to Order</td>
<td>3</td>
</tr>
<tr>
<td>Ascertainment of Quorum</td>
<td>3</td>
</tr>
<tr>
<td>Adoption of Agenda/Approval of Minutes</td>
<td>3</td>
</tr>
<tr>
<td>Board Matters</td>
<td>4</td>
</tr>
<tr>
<td>Campaign Finance Report</td>
<td>6</td>
</tr>
<tr>
<td>Executive Director's Report</td>
<td>22</td>
</tr>
<tr>
<td>General Counsel's Report - Terri D. Stroud</td>
<td></td>
</tr>
<tr>
<td>Issuance of Petition for Initiative Measure No. 81, the &quot;Entheogenic Plant and Fungus Policy Act of 2020&quot;</td>
<td>32</td>
</tr>
<tr>
<td>Emergency and Proposed Rulemaking</td>
<td>45</td>
</tr>
<tr>
<td>Litigation Status</td>
<td>51</td>
</tr>
<tr>
<td>Proper Subject Hearing, &quot;United States Adjustment and Recovery Act for the District of Columbia&quot;</td>
<td>54</td>
</tr>
<tr>
<td>Public matters</td>
<td>109</td>
</tr>
<tr>
<td>Adjourn</td>
<td>124</td>
</tr>
</tbody>
</table>
Chair Bennett: Good morning. This is Michael Bennett, Chair of the D.C. Board of Elections, and I would like to call to order our meeting, slash, hearing for May 6, 2020. It is 10:06 a.m. Thank you for -- we adjusted the time from 10:30 to 10:00 so thank you, all, for attending.

I've already checked and we have a quorum. Michael Gill, Board Member, and Karyn Greenfield, Board Member, also here so we have a full complement this morning. What I would like to do now is to get a motion to adopt the agenda and the minutes.

For a sense of order, I'm going to ask the particular Board Member for a motion so we don't have two speaking at once. If I could get Karyn Greenfield to provide a motion for the adoption of the agenda and approve the minutes from April 1st.

Member Greenfield: Yes, I move that
we adopt the agenda and approve the minutes from
April 1st.

CHAIR BENNETT: Can I get a second,
Mr. Gill?

MEMBER GILL: This is Mike. I second
that.

CHAIR BENNETT: Thank you so much.
It's been properly moved and seconded. The vote
is unanimous. I vote that we approve them as
well. The minutes and the agenda for -- the
minutes of last time and the agenda for today
have been approved.

Are there any Board matters, Mr. Gill?

MEMBER GILL: I have none. Thank you.

Oh, you know what? I have something --

CHAIR BENNETT: Board matters, Ms.

Greenfield?

MEMBER GILL: -- that I raised with
Alice after hers.

CHAIR BENNETT: Sorry, Mr. Gill? Say
it again?

MEMBER GILL: I want to raise
something with Alice that I have spoken to her about but I'll do that after the Executive Director's Report.

CHAIR BENNETT: Okay, great. Thank you so much. I'll note that.

Ms. Greenfield, any Board matters?

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

CHAIR BENNETT: Okay. I only had one and that is that the changes that we made with regard to creating vote centers and requesting that everybody -- that all D.C. voters request their ballots. The process is going along really well. People are making their requests. We are getting ballots out.

I just wanted to compliment all the staff, particularly starting with the Executive Director, for all the hard work and getting things done. The Board is very, very appreciative of all the staff. I wanted to start out with that. This is a tough, tough process.

We've been doing lots and lots of
webinars trying to get the word out. The public
and the various groups have been just amazing.
We got, I think, at least two today.

    We are now starting to average
probably between one and two webinars and
speaking engagements a day, just about, so this
is happening. We are very, very thankful and
appreciative of the support of the public and the
staff as well. Anyway, that's my Board matter.

    Somebody is not on mute so if you
could put yourself on mute, that would be great.

    All right. The next item on the
agenda is the Campaign Finance Report. I didn't
check but is Cecily Montgomery, Ms. Montgomery,
on the line?

    MS. COLLIER-MONTGOMERY: Yes, I am.

    CHAIR BENNETT: Okay, great. Could
you provide the Office of Campaign Finance
Report?

    MS. COLLIER-MONTGOMERY: Yes.

    CHAIR BENNETT: Thank you.

    MS. COLLIER-MONTGOMERY: Good morning.
The first thing I would like to report is that the Office of Campaign Finance is continuing to operate under a modified status until May 15, 2020. All of our services are being provided remotely via email and telephone at (202) 671-0547.

All candidate and committee reports continue to be received online at our website on the required deadlines. Also, if candidates have any questions concerning the registration process, they may also contact our office for instructions.

In our Fair Elections Program Division during the month of April, I would note that there are currently 44 committees registered in the Fair Elections Program and 38 of those committees are active.

CHAIR BENNETT: Ms. Montgomery, let me stop you.

If everyone could put themselves on mute.

Ms. Montgomery, would you continue,
please?

MS. COLLIER-MONTGOMERY: Are we ready?

CHAIR BENNETT: Yes, please continue.

MS. COLLIER-MONTGOMERY: We have six committees who will be notified of their failure to meet the qualifications for certification, that is by meeting the threshold requirements during the qualifying period which ended on March 4th of the June 2nd primary election, and on March 18th for the June 16th Ward 2 special election.

Those committees are Nate Brown 2020, Danielle Platt for Ward 8, Katherine for Ward 2, Vote Fria Moore 2020, Rosenberg 2020, and Daniel Hernandez for Ward 2. We did certify two candidates during the month of April. The first one was Ed Lazere for D.C. Council At-Large who is certified as a participating candidate in the November general election on April 30, 2020.

We also certified Fanning for Ward 2 Special June 16, 2020 as a participating candidate in the special election for Ward 2 on
April 15th. The Fair Elections Program issued five status reports to candidates who are seeking certification in the program who have not met the threshold requirement.

With respect to authorized base amounts and matching payments, as of April 30, 2020 the total sum of $2,163,078.05 has been dispersed in base amounts and matching payments between the 21 candidates who have been certified under the program.

I would note that the Committee to elect Janeese Lewis George has received the maximum allowable cap for matching payments of $241,055 for qualified small-dollar contributions for a participating candidate for the covered office of member of the council elected from a ward during the 2020 election cycle. She has also received a total base payment of $40,000.

During April 2020 the total sum of $313,387.90 was distributed in base payment and matching payment to the following FEP-participating candidates. The first was on
4/15/2020 to Fanning for Ward 2 Special Election. He received $20,000 in base amount, and also $34,396 in matching payments.

On 4/15 Kishan for D.C. 2020 received $4,925 in matching payments. On 4/15 Jordan Grossman for Ward 2 special election was authorized a disbursement of $1,033.65. On 4/15 Kishan Putta for Ward 2 special election 2020 was authorized $6,900 for disbursement in matching payments.

On 4/15 Chander for Council was authorized $6,550 in matching payments. On 4/15 Friends of Christina Henderson was authorized $725 in matching payments. On 4/15 John Fanning for Ward 2 was authorized $1,250. On 4/15 Patrick Kennedy for Ward 2 Special June 16, 2020 was authorized $4,000 in matching payments.

On 4/30 Ed Lazere for D.C. Council At-Large was authorized $20,000 in the base amount, and $185,691 in matching payments. On 4/30 Janeese Lewis George was authorized in matching payments for disbursement $75 and $13,893.60.
With respect to the second half base amount, those payments were authorized to candidates in the June 2, 2020 primary election who achieved ballot access and we have three. On 4/13 John Fanning for Ward 2 was authorized the second half of the base amount payment, $20,000. On 4/13 Kishan for D.C. 2020 was authorized the second half of the base amount payment in the amount, again, of $20,000. On 4/13 Patrick Kennedy for Ward 2 was authorized the second half of the base amount payment in $20,000.

The Fair Elections Program also conducted 52 desk reviews of the reports of receipts and expenditures which were filed on the optional March 30, 2020 deadline, and the April 10, 2020 mandatory filing deadline. The program also issued nine requests for additional information as a result of the desk review. The program attended two hearings which were held by the Office of the General Council. With respect to delinquency matters,
one was with Marcus Batchelor for D.C. The second one is with John Fanning for Ward 2. Those hearings were held on April 29th.

The candidate information by election, with respect to the June 2nd primary election, we have 11 candidates who have certified as participating candidates in the program. The June 16th special election, there are four candidates who have certified as participating candidates.

With respect to the November 3, 2020 general election, there are six candidates who are certified as participating candidates. Again, this means that those candidates are entitled to or eligible for the disbursement of base amount, as well as the disbursement of matching fund payments for qualified small-dollar contributions.

I would also like to note for the public's information that by the end of the day, you will also find posted at the OCF homepage under press releases, lists and charts of the
candidates who are registered in our traditional Campaign Finance Program, and also the FEP programs with the breakdown by election of all of the candidates who are certified in the program. Also it will show you the payouts from the election fund which I have just reported as well.

In our Public Information and Records Management Division there were filing dates during the month of April. The first one was the Constituent Service Program. Their activity report, report of receipts and expenditures, was due on April 1st. We had nine required filers. All timely filed and electronically filed their reports.

With the Senator-Representative Statehood Fund Program, April the 1st also was the deadline for the filing of the report of the receipts and expenditures. We have three required filers and all three timely filed their reports and electronically filed their report.

With Legal Defense Committees we currently have one that is registered. The fifth
report of their receipts and expenditures was due on April the 1st. The committee timely filed the report and also electronically filed the report.

For the Fair Elections Program, again April the 10th was the mandatory filing date for the report of receipts and expenditures. There were 39 who were required filers and 33 timely filed. Three requested and were granted extensions. We had six failures to file.

The referrals are to be determined.

All of the registrants who filed -- who timely filed also electronically filed their reports.

Also, I report that one committee did, in fact, file the optional April the 30th report of receipts and expenditures.

With our new candidates and committees who registered during the month of April, we have three and they registered in the traditional Campaign Finance Program. The first was Peter Boton, Peter Bolton for Ward 2, City Council, registered on March 27th; Ann Wilcox Candidate At-Large City Council registered on April 5th;
Rick Murphy, Friends of Rick Murphy, Ward 2 City Council registered on April 20, 2020. I would like to point out again that with our new registrants we have, in fact prepared an online tutorial and that will be available online by the end of the week so that our candidates can comply with the mandatory training requirements.

We had one initiative committee which registered and that was the Vocational, Technical Education, and Graduation Pathway Policy Act of 2020, and they registered on April 30, 2020.

In our Reports, Analysis, and Audit Division during the month of April, the Audit Division conducted 34 reviews of reports of receipts and expenditures that have been filed in our traditional program. They have also resolved or sent out -- they resolved six and they also issued eight requests for additional information of the results of the desk reviews which were conducted by the division.

In terms of our ongoing audits, we have three periodic random audits of candidates
in the upcoming 2020 election. The first is the
Friends of Robert White. The audit records were
received on March 16th. Veda for Ward 7: this
audit was initiated on March the 2nd. The
Committee to Elect Rogers for Council: this audit
was initiated on March 2nd.

We also have ongoing periodic random
audits of political action committees. With
respect to the January 31st filing there are
three; Verizon Communications, Inc., Good
Government Club PAC, which was initiated on March
2nd; the D.C. Libertarian Party which was
initiated on March 2nd, and the Firefighters
Committee on Political Activity which was
initiated on March 2nd.

We issued four audit reports during
the month of April as well. Three of the audit
reports are available at our website for review
by the public. The first is the Re-elect Brandon
Todd 2020 periodic audit which was issued on
April 6th. That was a compliance audit, meaning
that the committee complied with all of the
requests of the audit branch.

The D.C. Legal Defense Fund, and that is a preliminary audit draft report. That was issued on April 27, 2020. That is a draft report and it was issued also within an audit, an investigative audit, that is ongoing. That preliminary draft is not available to the public but the final audit will be.

Richard Campbell, Ward 8 City Council does the periodic audit that was issued on April 30th. It was a compliance audit, and it is available at our website. The greater Washington Board of Trade PAC periodic audit and that was issued on April 30th. That is also available at our website for review.

At this point I would ask the General Counsel, who I believe is on the phone call, to provide the report of the Office of the General Counsel for the Office of Campaign Finance.

CHAIR BENNETT: Thank you, Ms. Montgomery.

What we're going to do now is we're
going to unmute everyone so we can determine
which one is Mr. Sanford. Then we will -- if
everybody could kind of hold any conversation
until we get Mr. Sanford on the line.

Go ahead, Mr. Sanford.

MR. SANFORD: Good morning, Mr. Chairman --

CHAIR BENNETT: Great, thank you.

Good morning, Mr. Sanford. We have you, Mr.
Sanford.

MR. SANFORD: -- and distinguished Board members. I have William Sanford, General Counsel for the Office of Campaign Finance.

During the month of April 2020 the Office of --

CHAIR BENNETT: I'm sorry. I think --

we're good. Go ahead, Mr. Sanford. My apologies. Please go ahead.

MR. SANFORD: The Office of the General Council received one referral from the Public Information and Records Management Division and issued one order in a matter in which there was voluntary compliance prior to the
receipt of the complaint by the Office of General Counsel.

During the month of April 2020 the Office of the General Counsel issued 27 hearing notices which included three first notices and 24 second notices.

During the month of April 2020 the Office of the General Counsel conducted two hearings, which as the Director has previously referred to, were in the matters regarding planning for Ward 2 and Markus Batchelor for D.C. Both those hearings were continued for completion at a later date and they have not been completed.

During the month of April 2020 the Office of General Counsel did not fine, nor were any fines collected. During the month of April 2020 the Office of the General Counsel maintained one open investigation. The investigation was the following:

The complaint was filed by the Committee to Hold Jack Evans Accountable, Adam Eidinger, Chairman. It was received on the 3rd
of February 2020. The respondent in this matter is D.C. Legal Defense Committee for Jack Evans. The allegation is that the committee engaged in unlawful use of a legal defense committee.

The matter was referred to the Reports Analysis and Audit Division and, as the Director has indicated, a preliminary draft of that audit has been completed. That draft is not available to the public. However, the final draft will -- the final audit report will be made available to the public.

During the month of April 2020 there were no requests for interpretive opinions, nor were there any show-cause proceedings conducted. That should conclude my report.

CHAIR BENNETT: Thank you, Mr. Sanford.

Ms. Montgomery, any other matters?

MS. COLLIER-MONTGOMERY: No, that would conclude my matters. I just would like to point out that, with respect to the orders that we have been issuing in the office for the
disbursement of funds from the elections fund, that we have been successful with that. We have also been lucky enough that the Office of Financial Resource Management has been extremely accommodating also in terms of getting those payments out.

Again, I would just like to express my appreciation to OFREM, as well as the staff in the Fair Elections Program who have been working tirelessly to make sure that our candidates are receiving their payments from the fund. That concludes my report.

CHAIR BENNETT: Thank you, Ms. Montgomery.

Mr. Gill, are there any questions?

MEMBER GILL: No questions. Thank you, Ms. Montgomery, and Bill.

CHAIR BENNETT: Ms. Greenfield, any questions?

MEMBER GREENFIELD: No questions.

Thank you.

CHAIR BENNETT: Okay, great.
Next item on the agenda is the Executive Director's Report of the Board of Elections, Ms. Alice Miller.

MS. MILLER: Good morning. Thank you, Mr. Chairman. Good morning, everyone. This is Alice Miller, Executive Director for the Board.

I'm just going to highlight and piggyback on what the Chairman started off with this morning, and that is to report that the staff has been working tirelessly to respond to the mail-in ballot request applications. It has been a real serious operation, and we've been working almost 16/18-hour shifts doing this.

As of now we have requests mail ballots of 34,000. We've mailed out 22,000 mail ballots as of Monday. That includes 500 military and overseas ballots that were mailed out on the 17th of April, by law 45 days before the election.

Voter guides were mailed to all registered voters, one to each registered voter.

The voter guide did contain the two request forms
for absentee ballots along with a postage prepaid envelope for voters to use.

We did an e-mail blast to all voters with whom we have their email information giving them guidance as to how to request a ballot by absentee mail. That went out to 236,000 voters whose email addresses we did have.

Our phone bank is operating in full force and we are sending out applications as well as responding to other information or questions that individuals may have regarding the elections. As I said, the staff is currently working two eight-hour shifts with an overlapping day until 7:00/8:00 at night.

We will examine the need to bring on a third shift next week but so far we are busy. Based on the workload that we have established, the work is getting done.

One other thing is, and this has not happened yet, but we are scheduled to send out post cards to all registered voters beginning May 12th or 13th and that will also have the
information regarding the date of the vote
centers and the date of the deadline to request
your mail-in ballot which is May 26th. We have
to have received the request by May 26th.

As the Chairman indicated in his
opening remarks, we have hosted a number of
webinars and Zoom meetings at an average of four
meetings a week as of April 6th. That includes
ANCs, Ward 4 and Ward 5 Dems, members of the
council, candidates for election, public
community calls, D.C. Library and various civic
associations. The meetings are scheduled to
continue through the end of May.

We do host a public community meeting
every Thursday at 10:30. The email for that to
sign up is info@votesafedc.com. We also had
participated in live on-air interviews and press
conferences. That included the Mayor's daily
brief update -- daily update to which the
Chairman was a part of two of those press
conferences.

We have a comprehensive social media
that began in late February that started with the website. Mid-March D.C. Cable began running ads. We now have 2.9 million digital ads that began to run late last month for the Vote Safe D.C., request your ballot today. RadioOne and iHeart Radio began last week. TV will begin this week, every station that Comcast supports. Newspaper ads also begin this week.

As far as poll worker training, we have 492 poll workers that have been trained for the 20 vote centers. Training ended April 29th. We had to do the last set of training through a virtual remote process as it was necessary with the remote -- the social distancing process in place.

Our logic and accuracy testing for the machines has been completed for all the vote centers. We will have 200 machines, 10 at each vote center. All of them have been programmed for the 144 presets to accommodate vote centers citywide.

We will also have a ballot on demand
in each of the vote centers meaning that
individuals who do not wish to vote by the
electronic voting machine will be able to have a
paper ballot. That will be at all of our vote
centers.

In the past it has only been available
at One Judiciary Square but paper ballots will be
available through the ballot on demand at all
those centers. Our poll pads will be uploaded
once the registration deadline occurs. They are
being worked on as we prepare for that now.

I want to acknowledge and thank the
city for its help in supporting us. They have
been helpful with helping us secure masks, hand
sanitizer, gloves, as well as laptops and wipes
that we'll need for the vote centers. The
laptops we needed to assist with the remote
working that's going on and they were essential
with helping with that.

We also have just recently procured a
double trailer lavatory rental for our warehouse
to accommodate the level of staff and the hours
in which the staff members are there working.

We will have outreach for the nursing homes and senior resident facilities through our outreach division. With that in mind, we're providing absentee ballot requests to the residents that are being preloaded with their registration information so all they will have to do is return the application for the ballot and we will then be able to mail a ballot to them.

I do want to also point out that we also continue to work with all of our federal partners through CISA, the FBI, the CDC. We have regular ongoing meetings with them discussing how to process this election through the most secure and safe manner.

We are also working very closely with the Post Office through the Deputy Director, Mr. Ron Stroman, to make sure that all the ballots that are coming through, as well as all election information is getting the attention that it needs. As I said, we are busy. It's nonstop and we will be in this mode through both elections,
the June 16th Ward 2 special elections. That's it.

CHAIR BENNETT: Okay, great. Are there any questions for Ms. Miller from Board Member Greenfield?

MEMBER GREENFIELD: No, I don't have any questions. Thank you.

CHAIR BENNETT: Board Member Gill, I believe you had a question and a comment?

MEMBER GILL: Yes. Thanks, Michael.

Alice, as people have been getting their ballots in the mail, one of the issues or items that has come up is the ability to write in a candidate in a primary. You and I have had discussions offline so I just want the minutes to reflect that, and so I'll ask a question to you.

When it comes to ballot is put together for a primary, the ballot lines are part of the various parties submit to the Board of Elections. Board of Elections doesn't make decisions about how people get on primary -- well, I mean, they have to follow within the
When it comes to how that's portrayed, whether an ability to have a write-in candidate or not, it needs to be part of the party plan that's submitted and we just follow the party plan. Is that correct?

MS. MILLER: That is correct. We've gotten that question as well. Thank you for putting that on the record. The Republican Party plan that was submitted to the Board provided for no write-in for President or any other party offices (telephonic interference) candidate. That's why there is no write-in line. That was according to the plan that the Republican Party designed and provided to the Board. We do not interfere with what they want.

MEMBER GILL: Thank you, Alice.

That's all I had, Michael.

CHAIR BENNETT: Thank you, Mr. Gill.

So far this is actually going pretty well. However, I do add that there are times we have to unmute everybody so I would ask if you
can maintain your own mute button as muted unless we are asking you to speak.

    Also, too, I want to just do a quick check. Is our court reporter able to get all the statements appropriately?

    COURT REPORTER: Mr. Chairman, this is the court reporter --

    CHAIR BENNETT: If I can get our court reporter to say yes or no.

    COURT REPORTER: Mr. Chairman, this is the court reporter. Can you hear me?

    CHAIR BENNETT: Yes, I can.

    COURT REPORTER: I think things are going well for me. I am able to capture all the statements.

    CHAIR BENNETT: Great. Thank you so much.

    COURT REPORTER: Thank you.

    CHAIR BENNETT: Can you give me the last four digits of your number? Can you give me the area code and your first three numbers, court reporter?
COURT REPORTER: Yes, sir. The number is, area code is 914.

CHAIR BENNETT: 914.

COURT REPORTER: And the first three digits are 297.

CHAIR BENNETT: All right, great.

(914) 297. Okay. I'm going to check with you periodically just to make sure that we're going okay. We are about to enter part of the agenda where we need to make sure that the record is very clear.

Next is the General Counsel's Report. We are actually going to start off with the Issuance of Petition for Initiative Measure No. 81, the Entheogenic Plant and Fungus Policy Act of 2020.

Ms. Stroud. I've already kind of given part of your opening but go ahead for the record.

MS. STROUD: Hello. Can everyone hear me?

CHAIR BENNETT: Yes, we can hear you.
MS. STROUD: Okay. So the first item on my agenda is the Issuance of the Petition for Initiative Measure No. 81, the Entheogenic Plant and Fungus Policy Act of 2020. Is the initiative proposer on the line? Is the initiative proposer on the line?

MS. LAVASANI: Yes, I'm here.

MS. STROUD: Hi. If you could state your name and address for the record.

MS. LAVASANI: It is Melissa Lavasani. Address is 901 9th Street NE, Washington, D.C. 20002.

MS. STROUD: Okay. And is the Registrar of Voters on the line, Karen Brooks?

MS. BROOKS: Yes, I'm on the line.

MS. STROUD: If you could say your name and address for the record.

MS. BROOKS: Karen Brooks, Registrar of Voters. 1015 Half Street, Southeast.

MS. STROUD: Okay, thank you. I'm just going to provide some background with respect to where we are in the process. Tuesday,
February 28, 2020 the Board formulated the language for the Entheogenic Plant and Fungus Policy Act of 2020 which was approved as a proper subject on Wednesday, February 5, 2020.

The formulations were published in the D.C. Register on Friday, February 28, 2020, for a 10-day review period during which any voter could challenge the Board's formulation in D.C. Superior Court.

The review period ended on Monday, March 9, 2020. No challenges were filed. Accordingly, the Board's formulations were deemed approved. I will now read the formulations for the initiative as they were published in the D.C. Register into the record.

Initiative Measure No. 81, short title Entheogenic Plant and Fungus Policy Act of 2020. Summary statement: If enacted, this initiative would make the investigation and arrest of adults for non-commercial 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.

Earlier today I emailed the draft petition, or the petition, to you, Ms. Lavasani. Have you had the opportunity to review it?

MS. LAVASANI: Thank you for doing that. I was going to spend this time to request that you email it to me and you did it right before this meeting and I really appreciate it. Not only that, I see that the format has changed to fewer petition lines and it's on an 8.5 by 11 paper.

(Applause.)

MS. STROUD: If everyone that is not Ms. Lavasani could mute their phones, that would be greatly appreciated.
MS. LAVASANI: Okay. Let me just take
a moment to say thank you for working with us.  
At our last in-person meeting I asked the Board
to be flexible and nimble as we had no idea what
to expect.

As we've been home for about two
months now, we've needed to be nimble and
flexible to survive through this. I'm very
grateful that D.C. Council has addressed our
issues in emergency legislation yesterday.

The Board of Elections has moved very
quickly. It's really a testament to the Board,
the leadership of the Board, and the amazing
staff at Board of Elections for working
tirelessly around the clock.

Is there any opportunity to make any
changes to that petition you sent this morning?
Not any substantive changes but changes to sizing
of the font to make things a little bigger or is
that the final -- the only petition we'll have?

MS. STROUD: I think that we could
explore making the font bigger, a little bit
bigger. The difficulty is that there is certain
information that is statutorily required to
appear on the initiative petition so we could
try.

We were trying to accommodate as many
signatures on the signature page and, at the same
time, have all the information that is required
to appear on the petition. We would have to
explore whether or not we could accommodate your
request to have the font be larger, and we can
certainly do that.

MS. LAVASANI: Okay. Our concern was,
at the top, there's the summary statement. We're
concerned for our older voters that they will not
be able to read the small font. I think it's
currently at like a seven. That's all we wanted
to do is to make some of that font slightly
larger.

MS. STROUD: Okay. We can talk with
you, I guess, offline about ways in which --
since you're going to be emailing this and
mailing this. Is that correct?
MS. LAVASANI: That's correct.

MS. STROUD: To the voters. Perhaps a solution might be for any material that you will be including along with the sheet, the information that they would need to see in a larger size could be provided along with the initiative petition.

MS. LAVASANI: Okay. Okay. Do you suggest us just adopting this and making adjustments otherwise would --

MS. STROUD: I think that would probably be ideal because what we are -- I think that would be -- I'm not sure exactly that we could make this any bigger but certainly, in the information that you provide, you could include information in a larger font that you would include with the mailing and the emailing.

MS. LAVASANI: Right. I want to be sensitive to the demands of the Board of Elections right now. I know you guys are -- have your work cut out for you and you're working around the clock. I'm trying to make this as
easy as possible for everybody.

CHAIR BENNETT: We appreciate that.

This is Michael Bennett. Let me just say the
font size is not part of our approval. Whatever
font size you guys are able to come up with has
no impact on our issuance of the petition.

MS. LAVASANI: Gotcha. Thank you, Mr.
Bennett.

CHAIR BENNETT: Okay. Is there
anything else?

MS. LAVASANI: Adam Eidinger is on the
line and we also have some other questions about
some of the more technical items.

MR. EIDINGER: Yeah, I'm wondering
about two things.

CHAIR BENNETT: Could people mute
their phones? I'm really sorry but it's hard for
us to figure out who is speaking.

MS. STROUD: Okay. We are going to
put everyone on mute. If you need to talk, you
need to unmute yourself.

Ms. Lavasani, we are going to put
everyone on mute with the exception of yourself,
and so if Mr. Eidinger --

   Mr. Eidinger, if you could provide us
the number that you're calling from or that
you're speaking from.

   MR. EIDINGER: Yes, (202) 744-2671.

   MS. STROUD: Could you say that again, please? And could everyone else be on mute?

   MR. EIDINGER: 202-744-2671.

   CHAIR BENNETT: Okay, Mr. Eidinger.

We're trying to find you but go ahead.

   MR. EIDINGER: Okay. First of all, thank you for your quick action on this
initiative, and facilitate people being able to
print at home. One question is, does the
traditional 11 by 14 initiative petition still
exist? Like can we still use that or we're only
going to use this as the only one? This is the
question I have of the Board.

   MS. STROUD: I mean, it would be front
and back.

   MR. EIDINGER: Yeah, the original 11
by 14 would be front and back. We had
anticipated that's what we were getting today
because we didn't anticipate the changes would be
so quick, but this is definitely helpful for
people who want to print it at home. I think if
we can address the font issue, that's one thing.

Another question is we have a number
of petitioners who are participating to start
collecting immediately but they can't get the
out-of-state petition affidavit signed. We're
curious how that will be handled by the Board.

MS. STROUD: So you're saying that you
anticipate that you'll be using non-resident
circulators?

MR. EIDINGER: Yes, we may have a few.
They've already asked us how do we do this since
there is no office to physically go to. They may
also find ourselves in a few weeks able to
collect safely. There is a scenario for that.

We want to be able to use this for
everything from mailing to potentially in person.
That's why I was asking about the old petition
format and if that's still available or not so we could use either one. Like this is the mail and printout version --

MS. STROUD: I mean, all of the petitions that you use should be consistent. Every form should be the same.

MR. EIDINGER: Okay. That's fine.

MS. STROUD: That's with respect to your question about the 8.5 by 14. But with respect to the non-resident circulators, they can download the forms and complete that and provide the proof of ID that is required and that will be fine. Scan it and send it to us.

MR. EIDINGER: Okay. That's excellent. Thank you very much.

MS. STROUD: So we are still faced with the question of whether or not you formally adopt this petition as your own.

CHAIR BENNETT: So, Ms. Lavasani, my role at this point is to ask you if you adopt the -- formally adopt the petition as your own.

MS. LAVASANI: Yes, I formally adopt
it as our own.

CHAIR BENNETT: Okay. So what I'll do now is I would like to get a motion. If I could get a motion from Mr. Gill to adopt the proposer's acceptance of the Entheogenic Plant and Fungus Policy Act of 2020.

Mr. Gill?

MEMBER GILL: So, Mr. Chairman, I move that the Board accept the proposed (telephonic interference) petition.

CHAIR BENNETT: Great, thank you. Can I get a second from Ms. Greenfield? That's okay, go ahead. Ms. Greenfield?

MEMBER GREENFIELD: Yes, I second it.

CHAIR BENNETT: Okay. It's been properly moved and seconded. And so, the (telephonic interference) from me. And so, the petition is -- oh, can I have the Register, for the record, read the signature requirement report for the initiative into the record? Ms. Brooks?

MS. BROOKS: Yes, I'm here.

CHAIR BENNETT: Okay. If you could
read the signature requirements into the record?

MS. BROOKS: Okay. As you're aware, the petition submitted in support of Initiative Measure Number 81, Entheogenic Plant and Fungus Act of 2020, must contain valid signatures of five percent of voters registered in the District of Columbia provided that this total includes five percent of the registered votes in each of five or more wards in order for this measure to be placed on the ballot.

D.C. Official Code Section 1-204.102, the number of registered voters used to complete these requirements is the latest official count of registered voters by the Board of Elections, which was issued 30 or more days prior to submission of the signatures.

While the signature requirement cannot yet be determined, I have calculated for the information of the proponent and the public what the requirement would be if the most recent voter registration figures published by the Board were used. I have a chart on the memo, which I will
email Mr. Eidinger.

CHAIR BENNETT: To Ms. Lavasani, as well.

MS. BROOKS: Okay. The proponent is advised to check with the Board on a monthly basis as new -- are issued to get up to date estimates of the signature requirement.

In addition, the 180-day period for circulating the petition pursuant to D.C. Official Code Section 1-1001.16(j)(1) expires on Monday, November 2, 2020, at 5:00 p.m.

Should the proponent wish to place this measure on the ballot at the November 3, 2020 general election, the petition must be submitted by no later than 5:00 p.m. on Monday, July 6, 2020. And that concludes my report.

CHAIR BENNETT: Great. Thank you, Ms. Brooks. And are there any questions from the Proposer, Ms. Lavasani? If you can --

MS. LAVASANI: No, I think that's it.

CHAIR BENNETT: -- unmute. Okay, great. Thank you so much, go forth.
MS. LAVASANI: Thank you.

CHAIR BENNETT: Next item on the agenda, Ms. Stroud?

MS. STROUD: Yes. The next item on my agenda is emergency proposed rulemaking. I have two rulemakings. The first emanates from the Board of Elections and the second from the Office of Campaign Finance.

I will talk about the Board of Elections rulemaking and I will defer to Bill Sanford, the General Counsel for the Office of Campaign Finance, to discuss the second rulemaking that emanated from the Office of Campaign Finance.

The first rulemaking is a rulemaking to amend Chapters 10 and 11 of Title 3 of the DCMR. Those chapters are the initiative and referendum and recall of elected officials chapters.

The purpose of the amendments to Chapters 10 and 11 is to remove the prohibition against registered voters who are eligible to
sign a particular initiative, referendum, or recall petition being signatories on petition sheets that they have circulated.

Emergency action is necessary in order for these amendments to be in place ahead of the election cycle. Accordingly, we want to adopt these rules on an emergency basis.

So, again, there are provisions in the pertinent chapters that prohibit signatories or registered voters who are eligible to sign a particular initiative, referendum, or recall petition from being signatories on petition sheets that they've circulated.

These provisions, which are being repealed, do not appear in the chapters concerning nominating petitions.

So, that is the first rulemaking. And then, I'll defer to Mr. Sanford to discuss the purpose of the second rulemaking that emanates from the Office of Campaign Finance.

(Simultaneous speaking.)

MS. STROUD: Everyone, please mute your
phones.

CHAIR BENNETT: We're hearing somebody talk about their password, so if you could mute your phone, that would be great, or mute your device.

(Simultaneous speaking.)

MS. STROUD: Mr. Sanford? Mr. Sanford?

MR. SANFORD: I'm on the line. Hello?

MS. STROUD: Mr. Sanford, could you tell us what number you're calling from?

MR. SANFORD: I am on the line, do you hear me?

MS. STROUD: I do hear you, but I'm looking for your telephone number, so that I can mute everyone except for you.

MR. SANFORD: 240 --

(Simultaneous speaking.)

MS. STROUD: 240 --

MR. SANFORD: -- 593 --

MS. STROUD: -- 593 --

MR. SANFORD: -- 593-0243.

MS. STROUD: Got it.
(Simultaneous speaking.)

MS. STROUD: Mr. Sanford --

MR. SANFORD: Hello?

MS. STROUD: -- if you could discuss -- yes, thank you. If you could discuss --

MR. SANFORD: Sure.

MS. STROUD: -- the purpose of the rulemaking?

MR. SANFORD: Sure, I will be glad to.

This is William Sanford, General Counsel for the Office of Campaign Finance.

The proposed and emergency rulemaking will amend Chapters 30, Candidates, Constituent Services, and Statehood Funds, Chapter 38, Legal Defense Committees, Chapter 39, Inaugural Committees, Chapter 40, Transition Committees, Chapter 41, Exploratory Committees, and Chapter 42, Fair Elections Program. All are Title 3 of the District of Columbia Municipal Regulations.

The amendments will change the requirements for mandatory training for candidates and treasurers affiliated with these
committees from in-person to in-person or online. The amendments are designed to reflect our new reality, which are arising out of social distancing and stay-at-home orders.

In Chapter 42, which is also changed, there's an additional change because the amendment of Chapter 42 changes the time period within which the Director of the Office of Campaign Finance is required to direct the Office of the Chief Financial Officer to make disbursements for candidates who have achieved certification to receive the first base payment under the Fair Elections Program and candidates who have achieved ballot access under the Fair Elections Program to receive the second base payment and for candidates who are certified to receive matching funds based upon small dollar contributions by residents of the District of Columbia.

And that is what the amendments are designed to do. They are designed to achieve consistency with the law that was passed,
emergency legislation passed by the D.C. Council under D.C. Act 23-286, which was passed on the 10th of April by the Council and signed by the Mayor of the District of Columbia. Hello?

CHAIR BENNETT: Thank you, Mr. Sanford.

MR. SANFORD: Yes.

CHAIR BENNETT: If I can get a motion from Mr. Gill to -- do you have Mr. Gill's number? If I can get a motion from Mr. Gill to approve both the emergency regulatory changes?

Mr. Gill?

Ms. Greenfield, can I get a motion to approve the regulatory changes? Ms. Greenfield? You may need to unmute yourself.

MEMBER GREENFIELD: Yes, I'm unmuted, can you hear me now?

CHAIR BENNETT: Yes, I can. Can I get a motion to approve both the emergency regulations?

MEMBER GREENFIELD: Yes, I move to approve both of the emergency regulations as presented.
CHAIR BENNETT: Okay. Mr. Gill, can I get a second? Mr. Gill, you may be on mute.
Since I can't get you, Mr. Gill, I'm going to second --

MEMBER GILL: Sorry --

CHAIR BENNETT: That's okay.

MEMBER GILL: -- Mike. Mike, I apologize, I'm here --

CHAIR BENNETT: That's okay.

MEMBER GILL: -- and I second the motion.

CHAIR BENNETT: Okay. So, it's been properly moved and seconded. And I vote yes as well. And so, the roll call is that we have three yeses for the -- to approve both the emergency regulations. Ms. Stroud, continue.

MS. STROUD: Thank you. Okay. The next item on my agenda is litigation status.

It is William V. Hunt versus the Board of Elections. This matter, the Board has filed a motion to dismiss the complaint that was filed in this matter, which involved the counting of
write-in votes cast in the mayoral contest in the
November 6, 2018 general election.

The Court granted the Board's motion
to dismiss on March 10. Mr. Hunt appealed to the
D.C. Court of Appeals on April 22. And we are
now awaiting a scheduling order from the Court of
Appeals.

The second matter is Graham versus the
D.C. Board of Elections, which involves the
Board's appeal of a permanent injunction entered
by the D.C. Superior Court on December 12, 2018.
All pleadings in this matter have been filed.

Oral argument had been set for April
21, but due to the public health emergency, oral
arguments have been cancelled or postponed in
accordance with an order of the Chief Judge of
the D.C. Court of Appeals and the Court will
decide this matter without oral argument unless
the Court deems it necessary.

The next matters are Phillip V.
Hammond and Robin Marlin versus the D.C. Board of
Elections.
These matters, which were filed in the
D.C. Court of Appeals and consolidated, are
appeals of Board Orders 19-32 and 19-33, both of
which upheld the resolution of ANC 7B that found
no vacancies in Single Member Districts 7B04 and
7B05.

The Petitioners filed their briefs in
this matter on December 16, 2019 and their
appendix on March 4. The Board filed its
response on April 5, via electronic case filing,
and we expect the Court to decide this case on
the merits on the papers.

The next two matters are consolidated.
They are Fred V. Hill versus the D.C. Board of
Elections. These matters, which involve the
appeals from two Board orders, both of which
denied Mr. Hill ballot access pursuant to two
successful nominating petition challenges filed
by Absalom Jordan and Sandra Seegars.

The two petitions were filed in the
D.C. Court of Appeals on April 9. The Board
filed a motion to expedite and consolidate the
two cases on April 10. And it additionally filed
a motion for a summary affirmance of the Board's
orders.

All motions were granted on April 10.
Mr. Hill filed a motion for reconsideration on
April 12 and that motion was denied on April 13.

The final case is Robert Brannum
versus the D.C. Board of Elections. This matter
was an appeal from the Board listing Bernie
Sanders as a candidate in the Democratic
Presidential Preference Primary on the grounds
that he was alleged by the Plaintiff not to be a
Democrat.

This matter was filed in the D.C.
Court of Appeals on April 1. The Board filed a
motion to dismiss on April 8 and that motion was
granted on April 10.

And that concludes my litigation
status.

And the next and final item on my
agenda is a proper subject hearing concerning the
proposed initiative measure, the United States
Adjustment and Recovery Act for the District of Columbia.

CHAIR BENNETT: All right. Let me just kind of -- this is Michael Bennett. Let me just lay out a couple things and let people know how we're going to do this.

So, we're going to do our best to identify persons to speak. The proponents and the opposition will -- I think they've submitted a list of persons to speak. But just from a process standpoint, what we're going to do is we're going to have this hearing on this, this proper subject matter hearing.

I am then going to ask for a motion from another Board Member to go into executive session after we conclude public matters. And once we conclude public matters, assuming I get the motion and it's approved, we go into executive session.

We'll go into executive session on the proper subject hearing, with regard to the United States Adjustment and Recovery Act for the
District of Columbia.

And then, we will set a time for us to come back, probably about 30 minutes, to give a verbal response or give a verbal decision on the matter. If indeed that is not possible, we will come back and give a notice that we will, when we will provide a decision on that matter.

So, with that, we're going to move forward. And this is going to be a little messy and I ask everyone to put their phones on mute, if indeed they are not speaking.

This is -- it is hard for us to figure out who here needs to be talking without us asking for everyone's number. If you're able to put your name into the system, it actually shows us what is happening.

So, let me start off, I think the General Counsel has already given us some background on, or maybe should give us some background on the initiative.

MS. STROUD: Okay. Thank you, Mr. Chair.
CHAIR BENNETT: Okay.

MS. STROUD: Okay. So, the proponents of the United States Adjustment and Recovery Act for the District of Columbia filed the measure on -- let's see, one moment please, bear with me.

Okay. So, I believe the initiative was filed on February 24, 2020.

Just by way of discussion what the initiative is, it seeks to enforce repayment of unpaid wages or denied benefits for the residents of D.C. who are living descendants of the transatlantic slave trade in the United States of America.

It precludes payments for injuries by D.C. residents or government, but defines the group of actors who are ostensibly responsible for the payment of injuries as payers.

This group includes religious organizations, international countries, agriculture, textile manufacturing, retail building material industries, financial, academic institutions, utility companies, and states who
participated or benefitted from enslaving Afro-
Descendant people in the United States of
America.

So, that was the initiative that was
submitted. And I just want to give some
background as to what the Board looks at when it
is determining whether or not a proposed
initiative measure presents a proper subject for
initiative.

Pursuant to D.C. Official Code Section
1-1001.16, the Board, upon receipt of a proposed
initiative measure, must refuse to accept the
measure if it determines that the measure
conflicts with or seeks to amend Title 4 of the
D.C. Home Rule Act, otherwise known as the
District Charter, if it conflicts with the U.S.
Constitution, if the measure has not been
properly filed, if the verified statement of
contribution, which consist of the measure
committee's statement of organization and report
of receipts and expenditures, was not timely
filed, the measure would authorize discrimination
in violation of the D.C. Human Rights Act, the
measure would negate or limit a budgetary act of
the D.C. Council, or the measure would
impermissibly appropriate funds under applicable
D.C. Court of Appeals rulings.

And so, while there might be
discussion of whether or not the initiative
measure is a good idea or a bad idea, the Board
does not consider the merits of the measure, but
must only consider whether or not the measure
complies with proper subject requirements and
must refuse to accept the initiative measure if
it determines that the initiative runs afoul of
any of the criteria that I just outlined.

CHAIR BENNETT: Great. All right. Ms.
Stroud, has the proponent met all the statutory
clerical requirements with respect to its
filing?

MS. STROUD: Yes, it has.

CHAIR BENNETT: Great, okay. What
we're going to do now is we're going to ask if
there are any opponents -- we're going to unmute
everybody -- if we have any opponents of the measure that would like to testify at this time, in this hearing? Did we have anybody sign up to testify as an opponent?

MS. STROUD: We had individuals who signed up to indicate that they wanted to speak. And I can go through the list of individuals who have indicated that they want to speak and identify whether or not they wish to speak either in opposition to or in support of the measure. And we can also ascertain whether or not the initiative proposer is on the line as well.

So, the first individual who submitted, who indicated that they wish to speak was James Shabazz. Mr. James Shabazz, are you on the line?

MR. SHABAZZ: Yes, I am.

MS. STROUD: And will you be speaking for or against?

MR. SHABAZZ: I'm speaking in support of the United States Recovery Act for the District of Columbia.
MS. STROUD: Okay, thank you. Mr. Jordan, Mr. William H. Jordan, are you on the line?

MR. JORDAN: Yes, I am. I'll be --

MS. STROUD: And will you be speaking --

MR. JORDAN: -- speaking in support.

MS. STROUD: Okay. Dr. Roussan Etienne, Junior?

DR. ETIENNE: I'll be speaking for.

MS. STROUD: Okay. Mr. John Cheeks, who was the proposer of the initiative, are you on the line? Mr. Cheeks, are you on the line?

MR. CHEEKS: Yes, I am. This is John Cheeks, the proposer.

MS. STROUD: Okay, thank you. Ms. Gladale Reese, are you on the line? Ms. Gladale Reese? Okay. Ms. Francelle Neal?

MS. NEAL: I'm on the line and I will be speaking in favor.

MS. STROUD: Okay. Ms. Marie C. Williams?
MS. NEAL: That is my grandmother, she will not be able to speak, but she is in favor.

MS. STROUD: Okay, thank you. Mr. Eddie Lee Neal? Mr. Neal?

MS. NEAL: That is actually my other grandmother, both District residents, and I'm not sure, she's able to speak, but she may be having difficulties, she's 93 years old.

MS. STROUD: Okay.

MS. NEAL: So, we would pass on her for now.

MS. STROUD: Thank you. Mr. Sampson Jordan? Mr. Jordan, Sampson Jordan? Okay. Mr. Mark A. Johnson?

MR. JOHNSON: Yes, I'm in favor.

MS. STROUD: Okay. Minister Frederick Norman?

MR. NORMAN: Yes, I'm on the line.

MS. STROUD: And are you speaking for or against?

MR. NORMAN: I'm speaking for.

MS. STROUD: Okay. Reverend Cynthia
Ashley?

REV. ASHLEY: Yes, I am in support of this bill. And I'm speaking in favor and support.

MS. STROUD: Okay, thank you. So, is there anyone on the line who would like to speak in opposition of the measure? In opposition to the measure?

CHAIR BENNETT: Okay. So, hearing none, we're going to start off with Mr. Cheeks. And we're going to give you three minutes.

MS. HALL: Well, my name is --

CHAIR BENNETT: Mr. Cheeks?

MS. HALL: -- Raynelle Hall and I was speaking for, but I wasn't on the list.

CHAIR BENNETT: Say again?

MS. HALL: My name is Raynelle Hall, I'm calling from Potomac Gardens in Washington, D.C., and I'm speaking for the act.

MS. STROUD: Okay. So, did you submit a request to be included in the list of speakers before last Friday? Or are you just --
MS. HALL: No, unfortunately, I missed the deadline, unfortunately. I was just letting you know that I was in on the line here today.

MS. STROUD: Okay, thank you.

MS. HALL: You're welcome, thank you.

CHAIR BENNETT: So, what we will do is (telephonic interference) the people that signed up, if you did not sign up, we will call upon you. Okay, Mr. Cheeks?

MR. YOUNG: Also -- hold on, hold on. Also, my name is Virgil Young, native Washingtonian, D.C. resident, military veteran, I didn't sign up, but I support the D.C. Recovery Act, Virgil Young.

CHAIR BENNETT: Thank you, Mr. Young.

(Simultaneous speaking.)

MR. BLACK: I signed up last week, before the deadline.

CHAIR BENNETT: I'm sorry, say your name again?

MR. BLACK: Reginald Black.

CHAIR BENNETT: Reginald Black, thank
you, sir.

MS. STROUD: Okay.

MR. SINDRAM: And, Mr. Chair, disabled veteran, I attempted to sign up, was not able to, but I support the measure. Hello, Mr. Cheeks, how are you?

CHAIR BENNETT: Okay. Thank you, Mr. Sindram. Let's, if there's no one else, let's get started with Mr. Cheeks. Mr. Cheeks, do we have your number, so we can try to mute everybody else?

MR. CHEEKS: Yes, you want the last four digits or you need the complete number?

CHAIR BENNETT: Just the first, the area code and the first three.

MR. CHEEKS: Area code 202-892.

(Simultaneous speaking.)

CHAIR BENNETT: Say again, Mr. Cheeks?

MR. CHEEKS: Area code is 202 --

CHAIR BENNETT: Yes.

MR. CHEEKS: -- and 892.

CHAIR BENNETT: 892, okay. All right,
I think we got you. Go ahead.

MR. CHEEKS: Hi, I'm John (telephonic interference) which is Angola --

(Simultaneous speaking.)

MR. CHEEKS: -- Botswana --

MS. STROUD: Go ahead, Mr. Cheeks.

MR. CHEEKS: -- Sub-Saharan South Africa. And I also have Native lineage here in the country of the United States of America with the Navajo and the Apache Tribes. As well as some European blood in me, which can be identified as British, Scandinavian, and Irish.

I do not deny any of my ancestry, but we all must look at this important initiative act for the people of the District of Columbia who have been suffering for over 400 years. Whether they're from the District of Columbia proper or from the Deep South of the United States of America, such as Texas, Louisiana, Alabama, Mississippi, Georgia, Florida, New York, as far north as Maine, as far west as Iowa.
We all share one thing in common, if we are black Americans in this country. We are descendants of enslaved Americans who have never been given the right to participate freely, to gain wealth that was denied and that we were restricted from receiving.

We also have other issues that still plague our community, such as public fixture reminders, statues that are currently standing tall in front of our court system, such as the John Marshall statue or the Albert Pike statue.

Both of those represent two things to black Americans, terror, enslavement, treason against this country, and also it's a friendly reminder that we're not getting our just due date in court.

And of course, I am a victim of that, but I will, in the interest of time, I'll move on to my speech. Such as -- this proposal was drafted as a vehicle to cure the injury that the people and the government of the District of Columbia have been sliding under the rug forever.
We have to bring forth the idea of a non-taxpayer solution and also a non-District Government solution, where D.C. does not have to dip into its pockets to enforce this measure. It doesn't go into racial injuries of people, it doesn't point out people.

It gives everyone a chance to come forth and have some sort of dignity in living here in the District as their ancestors built beautiful buildings that we admire so often, such as the Capitol, the White House, the Bureau of Engraving and Printing, the streets, our water system, the sidewalks that we walk on, the actual roads that were cut by our forefathers with mules and ox to provide Pennsylvania Avenue a nice gateway, the landscaping, and all of the, I should say, standard beautiful markings that we all enjoy here.

But we have over 60 percent of our population here in the District cannot enjoy wealth, home ownership, education, judicial consideration and protection. We have public
marker reminders that are constantly flowing.
And also, we have the disparities of lack of home
ownership of a lot of our people here.

This bill will lift all who are
eligible through ancestry heritage, who are still
injured by the ongoing effects of the past.

And for the record, the D.C. Recovery
Act does not take money from the taxpayers. This
freestanding bill gives back to the District of
Columbia through removal of certain taxpayer
programs that have constantly taken from people
on all levels, all colors.

We must have a better conscience with
this proposed initiative act to allow our people
to vote on this. We cannot move forward in life,
this country will not be great, until the people,
the children of the Middle Passage and the
transatlantic slave trade have proper
compensation and can live with dignity without
fear or without wondering if they are eligible to
stay in this city.

And I thank you for my three minutes.
Any questions, I'll be on the line on hold.

    MS. STROUD: Okay. Thank you so much,

Mr. Cheeks. Next, we will hear from Mr. James

    Shabazz.

    MR. SHABAZZ: Speaking. Can you hear

me? Hello?

    MS. STROUD: Yes, we can hear you. You

have three minutes.

    MR. SHABAZZ: All right. I am James

Shabazz, representing OVEC, Organized Vendors for

Economic Cooperation, in support of the U.S.

Recovery Act for the District of Columbia.

    Slavery, reconstruction, the 13th,

14th, and 15th Amendments of the U.S.

Constitution, 1860 Civil Rights Act, Dred Scott

Decision, Plessy versus Ferguson, the Great

Compromise of 1870, Jim Crow laws, penal systems,

Civil Rights Act of 1964, the current D.C.

Comprehensive Plan, and the current D.C. City

Council, actions by the D.C. City Council to

approve a so-called racial equity bill have not

and will never create the opportunity or
environment for the masses of D.C. black people
to stop gentrification and reverse its effects,
heal mentally, spiritually, and physically from
the trauma and ravages of slavery, achieve an
education of empowerment, own property,
businesses, and the creation of a black economic
development renaissance in Washington, D.C., and
creating a tradition of generational transfer of
wealth for our posterity.

The D.C. Recovery Act is a tool that
heals and repairs our people in these areas. It
achieves compensation and recovery from D.C.-area
corporations that owned and contracted black
slave labor and engaged in Jim Crow practices
during the entirety of the post-slavery era.

D.C. utility companies, Protestant and
Catholic churches, and area universities are just
a few of the corporations that the D.C. Recovery
Act seeks financial recovery from with regard to
the psychic trauma of slavery and the educational
and economic deprivations resulting therefrom.

Since the D.C. Recovery Act does not
require the payment of reparations from the coffers of D.C. citizen, consumer, voter, taxpayers, we appeal to the Board of Elections and Ethics and the Mayor Bowser and the D.C. City Council and D.C. Attorney General Karl Racine to approve the D.C. Recovery Act as the proper subject of a voter's initiative or referendum on the 2020 D.C. elections ballot. Thank you.

MS. STROUD: Thank you, Mr. Shabazz.

We will next hear from Mr. William Jordan.


This measure seeks to provide benefits and restitution to District of Columbia residents whose ancestors were victim of the transatlantic and domestic slave trade, the system of slavery, and related systems between 1619 and 1870, through today.

The ingenuity of this measure is that
it seeks to make restitution without direct
taxpayer payments, but from the institutions and
international countries which participated and
benefitted from our system of slavery.

On April 23 of this year, D.C. Mayor
Bowser made the following declaration in response
to racial inequities and disparities in the D.C.
exposed by the current COVID-19 epidemic.

Quote, disparities that have not just
appeared during this pandemic, not last year, not
the year before that, but decades, and indeed,
centuries. So, as we think about reopening, we
must also see this as an opportunity, not just to
go back to the way things were before, but to do
better than before.

So, we are going to have to do better
with limited resources, but we have a once in a
generation opportunity to reopen our city in a
way that builds a more equitable D.C. and we
should not let this opportunity pass us by, end
quote.

Echoing and affirming Mayor Bowser's
declaration, recent studies and reports released by the D.C. Government state the following.

The Housing Equity Report, quote, the current distribution of affordable housing in D.C. reflects a legacy of racial discriminatory and exclusionary policies enacted in the past century, which cannot be corrected overnight. In fact, it will take focus and sustained effort over the next generation to address.

The whole city has a role in providing affordable housing and access to opportunity to address this legacy, particularly along racial and income lines, close quote.

The Comprehensive Plan 2019, we must recognize that managing growth and change includes addressing historic structural systematic racial inequities and disenfranchisement of many District residents, close quote.

Health Equity Report, quote, understand and account for the historic forces that have left a legacy of racism and
segregation, including --

MS. STROUD: Thank you, Mr. Jordan, your time is up. Thank you. We will move on to the next speaker, Mr. Reginald Black. Thank you.

MR. BLACK: Good morning, Chair, Members of the Board of Elections. My name is Reginald Black, I am a native Washingtonian, a consumer representative appointed to the Interagency Council on Homelessness, and the owner and CEO of Rahlowtisity.

Rahlowtisity is a corporation like no other. We are a for-profit corporation that is strengthening and empowering the community. Our focus areas include research, attire, housing, laws, operations, and wellness. To that end, we offer direct services in community organizing and retail to meet our goals.

Rahlowtisity was born out of a desire to specifically address homelessness in the District of Columbia. To date, we have a steady need among the homeless population.

In the District of Columbia, the
African American population is 46 percent of the city overall population, while 86 percent of the homeless community are African American. We believe this is a result of structural racism and lack of accountability placed on the many institutions that have caused us harm and have allowed those efforts to continue.

As a black-owned corporation, any solution that will help the majority of this population, which are black people, is essential. We are here today to give our full support for the United States Adjustment and Recovery Act of the District of Columbia.

We have seen too many of our homeless brothers and sisters fall through the cracks. At the end of the fourth quarter of 2018, 3,367 people had not found a viable resource to stabilize them in housing.

Since 2014, Rahlowtisity has participated in six National Homeless Persons Memorial Days, which has produced an average of 41 plus 248 deaths of black homeless Americans.
Point in time data shows that homelessness does not consider age, most of them from under 18 to over 62 years of age.

We believe the Adjustment and Recovery Act is a great step for our community to address the historical injuries that have been inflicted on the black communities, which one of those results is homelessness and criminalization. We were slaves and we were essentially criminalized if we ran away, which meant we had nothing.

Continued institutionalization of the criminalization of black people in this country has created economic disparities and discrimination in several areas, including employment and housing.

The Adjustment and Recovery Act will help the homeless population who continue to age without proper support.

Under provision Title 2 Section 7, federal restitution is an absolutely critical part of this initiative that will help provide the income needed to begin the journey into
ownership.

My brothers and sisters hold degrees, have paid taxes, and served in the military. Just a note, in 2019, 297 in the homeless community identified as Armed Services veterans.

Benefit Category 7 allows users of 1 and 2 to receive business aid. Benefit Category 8 supports community businesses, including consultants, legal practice, medical and dental clinics, supermarkets, et cetera. Category 9 --

MS. STROUD: Thank you, Mr. Black. Your time is up. Thank you so much. Your statements have been provided for the record. We'll next hear from Dr. Etienne, Junior.

DR. ETIENNE: I first would like to give all the glory and honor to my lord and savior, Jesus Christ of Nazareth. Nazareth, a black providence north of Israel.

Schools were established where blacks and the Nazareth program was established for colored youth about recovery, about who they were, whose they were, and who their fathers
Also, I'd like to share for the second time, I want to speak to all the people out there that were affected by the COVID, I hope you are doing well in the COVID season. But I'm going to go, I have three minutes (telephonic interference) enough is (telephonic interference).

I'm pleased to tell you, the curse of the African American ancestors during the transatlantic slave trade is over. One hundred ninety injuries and enslavement practices 1619 to 2019, for over 400 years, is now over. Slavery has always been around, longer than that, but that's (telephonic interference).

John and I have encouraged the Mayor of D.C. to speak up and speak out on the Recovery Act. I will never forget the time I met with John in the southwest parking lot of Safeway, where he sat with me and he said, we cannot do this without our African brothers and sisters.

And Karl Racine, this is your season,
my African-Haitian brother. It is time for the people to be heard and the spirit to come. We must all come together and answer the call, with this agreement -- all of us, regardless of the changing climate, the world, and the harsh season that we in right now.

This COVID-19 season will not stop our recovery. And the time is now, Washington, D.C., right here, the nation's capital, to set the example worldwide. America's ready for recovery.

John and I have worked hard and long to present the D.C. Adjustment and Recovery Act for 2000 A to Z settlement plan and writing with answers and solutions and a payment plan to provide the African American community with lower tax, to provide the community lower taxes for hardworking voting citizens of the United States.

D.C. citizens, I'm asking you to join and participate with us in the D.C. Government making a key adjustment in American history that will revive, repair, and restore the injuries of lost wages of our people.
Let's free the heart of every living descendant for the accomplishments of our ancestors made for this great nation. Would its citizens take the next step with us.

Reach out to three other people and volunteer to help us get signatures so we can get D.C. Adjustment and Recovery Initiative on the 2020 presidential election ballot in October.

I'd like you to also go on our website, sign the petition, get the DNA test, fill out our --

MS. STROUD: Thank you, Dr. Etienne --

DR. ETIENNE: -- 1619 form --

MS. STROUD: -- your time is up, your comments have been submitted for the record.

Thank you so much. We will next hear from Ms. Francelle Neal. Ms. Neal?

MS. NEAL: Yes, present. Can you hear me?

MS. STROUD: Yes, we can hear you, thank you.

MS. NEAL: Thank you, Mr. Chairman and
fellow Board Members, for this opportunity. I am a native Washingtonian. I'm also a member of the One Million Conscious and Conscientious Black Voters and the National African American Association.

I am in support of this bill and I -- this legislation. And I believe that the legislation addressing the injuries of the North American descendants of slavery is timely.

As we all suffer during the COVID-19 pandemic, we are also witnessing in real-time the disparity and further sufferage of the African American community, particularly our elders.

When we lose our elderly, we lose our history. Most of our history is obtained through storytelling. Most of our history is actually broken. That's why many suffer from lost stories, lost history, and loss of identity.

I personally am blessed to have not one, but two grandmothers alive, both in their 90s, living in the District of Columbia for over 70 years. It would be a joyous occasion for them
to live through this moment and see the approval
of the United States Adjustment and Recovery Act.

Unfortunately, they were on the list,
one is ill, one hung on for one hour and she let
go, I'm not sure if she'll come back, but in
their spirit, they're here with me.

The District of Columbia was
unfortunately once nicknamed the Nation's Slave
Capital. Slaves were actually sold on the U.S.
Capitol steps.

I believe that this legislation is not
only fair and valuable, but the legislation will
promote healing and unity amongst District of
Columbia residents versus discord, particularly
because the bill promotes compensation through
benefits and non-tax-burden compensation and non-
appropriated D.C. funds.

Now that we know more, I believe we
should do more and avoid the downplaying of
history and to actually promote the up-play of
history and stand on the truth by advancing the
United States Adjustment and Recovery Act.
Lastly, I would like to see the District of Columbia to be first to get out in front and to address the injuries of the North American descendants of slaves, an issue that's also painful to discuss and painful to face, but I believe that this Board and the District of Columbia residents are willing and ready to be on the right side of history. So, I ask the Board, Mr. --

MS. STROUD: Thank you.

MS. NEAL: -- Chairman, to respectfully approve. Thank you for your time.

MS. STROUD: Thank you, Ms. Neal. We will next hear from Mr. Mark Johnson.

MR. JOHNSON: Yes. Good morning, DC Board of Elections members. Thank you for your time and attention on this call. My name is Mark Anthony Johnson, Sr., born in Washington, DC January 1963, seven months before Dr. Martin Luther King marched on Washington for jobs and freedom, August 1963, in which he called for civil and economic rights and an end to racism in
the United States with his public speech, I Have
a Dream, amongst over 250,000 civil rights
supporters from the steps of the Lincoln Memorial
in Washington, DC.

The speech was a defining moment of
the Civil Rights Movement and among the most
iconic speeches in American history. Two years
later, our family located to Prince George's
County, Maryland in 1965, and I have lived here
since then. I am currently the chairperson for
the United States Adjustment and Recovery Act in
Prince George's County, Maryland Division, and I
wish to continue fighting for equal rights in the
United States, starting in our nation's capital.

This has been an issue for many women,
Negroes, Blacks, and other ethnicities in our
country. I hope my voice adds value so the
District of Columbia will consider whether our
proposed measure of this freestanding as a proper
subject matter for initiatives at this Board
meeting.

Our national consortium understands
that the Board must reject the proposed measure
if it's determined any of the seven bullets
defined on page one is valid. We have been
fighting many years for many people to witness
equal rights for all humans through equal rights
amendments.

I just learned that 37 out of 50
states have ratified the Equal Rights Amendment
this year. On February 13, 2020, the U.S. House
of Representatives voted 232 to 182 to pass House
Judiciary Resolution 79 for the joint resolutions
to remove the original time limit assigned to
Equal Rights Amendment.

Why do I see Equal Rights Amendment to
the U.S. Constitution necessary? Because the
Constitution has never been interpreted guarantee
rights of women as a class and the rights of all
men as a class and the rights of White and Black
men as a class to be equal. This freestanding
bill will start freedom for any occurring
disparity.

Many DC residents know of my grandpa,
Parson Dickies, who has said goodbye to DC neighbors after 30-plus years. We all learned how to eat and enjoy fish, and now Horace's grandson, me, and team wants to be welcomed in 2020 to teach people how to fish through the freestanding bill naturally.

Will you welcome me an, as honorable veteran of our U.S. armed forces and us in favor of this freestanding bill? Thank you very much for having me to speak.

MS. STROUD: Thank you, Mr. Johnson.

We will next hear from Minister Norman.

MR. NORMAN: Yes, good morning, each of the Board. I want to first say thanks to God, who causes this day, it is all possible. I want to say thank you, D.C. Board, for hearing this. And I want to say thank you to Dr. Cheeks and Doctor -- Dr. John Cheeks and Dr. Roussan Etienne, who have labored, labored so hard to bring this forth.

And I want to speak this morning from two platforms. You know, I speak, you know, from...
the platform of being a veteran, a proud wearer
of the uniform of the United States Marine and
today present as a minister.

And you know, I'm from Deep South,
from the great state of Georgia. And you know, I
grew up and I noticed we didn't experience so
much of the overt racism, you know, that, you
know, that a lot of people did, but it was there.

Then at 17 years of age, I was proud
to raise my right hand, take the oath and become
a Marine to defend the values of America. But
what really, you know, caused my eyes to open was
I noticed the outwardly and the overt racism in
the United States military. And you know, and it
affected me in a way that it produced a anger on
the inside of me.

But and it only -- and it was only
through my, you know, meeting or coming to a
place with God that was able to deal with that
anger. But I've often said I speak to you now
from a minister's perspective -- and I've often
said that America's biggest problem is not skin,
but it's the sin.

   It's sin, and that sin is the
   injustice that is has perpetuated against this
   Black people. The oppressions, the burdens, the
   inequalities and its refusal to acknowledge and
   make whole the descendants of our ancestors who
   labored, toiled to build a nation that others
   have enjoyed the fruits of while we have had to
   stand by and watch.

   We have and continue to witness
   America open her arms to immigrants from other
   lands who come enjoy what we labored to build,
   compensate other races financially that have
   suffered injustices and inequities. We're not
   asking for anything that's not owed. We're
   making a demand for what America knows that it
   rightfully owes.

   If America is ever to reach her
   fullest potential, it must make amends with her
   past. In the eyes of God, who watches it, it is
   not only the right thing to do, it is the
   righteous thing to do. God fights on behalf of
the oppressed and those who have suffered
injustice. Now is the time.

You know, as Dr. Etienne said, this is
time, you know, for America to truly stand up and
become all that she has professed herself to be
to the communities of the world.

So this is a -- this bill that is
being put forth, this is that is being presented
right now, it is God saying America, will you be
true to yourself? Will you be true and stand up
and honor those who have built this plan, this
country that in so many others have the
privileges and --

MS. STROUD: Thank you, Minister
Norman, your three minutes are up and we -- I
appreciate your comments and they will be
included in the record for this meeting.

We will next hear from Reverend
Ashley.

REV. ASHLEY: Hello, everyone. I
greet the D.C. Board, a greeting from the state
of New York, the Empire State. I hope you can
hear me clearly because again, my throat is a little groggy. Can you hear me, I only have three minutes. Can I be heard?

MS. STROUD: Yes, we can hear you, we can hear you. Thank you.

REV. ASHLEY: Okay, thank you so much for this time. Again, I greet all of the Board, Mr. John Cheeks, and Dr. Roussan Etienne for their efforts. I am Reverend Dr. Cynthia Ashley, and I am the Chair, Chairwoman of the U.S. Adjustment and Recovery Act of New York State.

I am in full support for the Adjustment and Recovery Act for the District of Columbia. I live in Lower Hudson Valley in the largest city of Westchester County. The Yonkers, the city of Yonkers is the fourth largest city in New York State, which is the Empire State.

I am civically engaged as a Communications Chair for the New York City Housing Authority of over 60,000 residents in the NAACP branch of New York. I'm also a member of the Westchester Black Women's Political Caucus,
and a community advocate and a media pedagogy
educator.

Title two sections, one identity
repair. The word identity theft was invented
justly for the descendants of enslaved Afro-
Americans. Because we don't know our full story
of where we came from. This U.S.-D.C. Recovery
Act will help get us to that point.

This bill, the D.C. Recovery Act, is
a holistic approach to identity repair. It's a
holistic reproach to identity our loss of our
identity and to repair that identity and bring
families back together to the injuries that were
a direct result of the Trans-Atlantic or North
American trade.

Every human being, every descendant of
enslaved Afro-Americans has the God-given right
to know our identity. This same bill is so
needed here in the Empire State. As a
progressive reformer educator that specializes in
the use of media pedagogy, it is imperative that
we build self-esteem and self-identity. This is
the set time for the D.C. Board to support this. And in closing, I beseech each of you who have an ear to hear and a heart or conscience for justice for all, that you support this D.C. Recovery Act, because it is needed in New York State. We will bring it forth because it is needed here as well, and I am here because of that. And again --

(Simultaneous speaking.)

MS. STROUD: Thank you, Reverend Ashley, we appreciate your comments. Your time is up, but your comments will be reflected in the record. There were some individuals --

(Simultaneous speaking.)

MS. STROUD: There were three individuals who requested to speak who did not submit their, who did not indicate prior to the close of business on Friday May 1, so we will allow two minutes each for those individuals.

Ms. Hill, are you still on the line

MS. HALL: Hall. Hall.

MS. STROUD: Ms. Hill? Okay, next up
(Simultaneous speaking.)

MS. STROUD: Virgil Young.

MS. HALL: No, it's Hall, it's

Raynelle Hall.

MS. STROUD: Oh, Raynelle Hall. Okay, so we'll hear from Ms. Raynelle Hall first, then Virgil Young, then Michael Sindram. And each of you will have two minutes. Thank you.

MS. HALL: Hi, thank you --

MS. STROUD: Ms. Hall, if you could start?

MS. HALL: Okay, can you hear me?

MS. STROUD: Yes, we can hear you, thank you.

MS. HALL: Okay, I'm in full support of this Act, I really am. I've grown in DC, I've been here all my life. I've been part of the elderly seniors group of helping them all with my family.

And I'm in support of this more or less to know that people that have capitalized
off the slavery, they had past generations of
just making sure that their children had
everything they needed, they got their
inheritance and everything.

But what was lacking in this was
people that actually did the work did not get
their inheritance. And it's just a A and B to
me. I know I can't be long, so I'm just trying
to say things as short as possible to let you
know that this is really a necessity. Because we
see gentrification going on in D.C. rapidly for
years.

And I believe that this will help
people become who they need to be, have
successful business, be put in a position to
better their lives so the generations to come can
profit the way that they need to physically,
mentally, and acknowledging who they are as
people.

Because right now, as we can see,
people have no identity of who they are. They
run here, they run there, and they become what
their environment is. So this is a much needed thing. Thank you for your time.

    MS. STROUD: Thank you, Ms. Hall.

We'll next hear from Virgil Young.

    MR. YOUNG: Thank you, ma'am. I want to thank the D.C. Board of Elections, and I want to thank Mr. John Cheeks. Virgil Young, I'm a native Washingtonian, D.C. resident, military veteran, and the Chief Executive Officer of the True Business Intelligence Corporation.

We are a marketing firm specializing in fiber optics and semiconductors. I've worked in Silicon Valley for Intel Corporation. And the only way I got that job was from a Black man, that's the only way. I have a master's degree from Howard University, MBA, and I have a second master's degree from George Washington University. And I'm a proud undergraduate of the University of the District of Columbia.

Now, as an airborne paratrooper, tank platoon leader, I served in Korea on the front line in the DMZ, and I got a picture to prove it.
I've done all this and I still can't a job. I run circles around half the people who have jobs in Washington, D.C.

So the Recovery Act is very much needed. We need it. All we want is an equal opportunity. We don't want any special handouts. We don't want -- we just want a equal chance to perform, that's all we want. That's all our ancestors wanted, and that's all we want. And I just want to say more power to Mr. Cheeks and his team, we're going to win. And you know, it's all good.

So let's move forward with this Board of Elections. I want you all to make the right decision, and God bless everybody in here. That's all I got to say. Y'all have a good day.

(Simultaneous speaking.)

MS. STROUD: Thank you, Mr. Young. And the last speaker will be Mr. Sindram. Thank you so much, Mr. Sindram, you have two minutes. Thank you.

(Simultaneous speaking.)
MR. SINDRAM: Michael Sindram, disabled veteran, served our country more than most. John Cheeks, keep up the good work in the pursuit of right, reason, and fairness.

We pride ourselves land of the free and home of the brave. Recovery Act will definitely set a message across the board in this thorny issue of color, of race. And it is a thorny issue. In the pursuit, again, of right, reason, and fairness, we need to compensate those that have made our country great and that have been in our litany, our legacy, sad but true, of Black inferiority.

Slavery, indentured servitude, Black codes, separate but equal, which our court, the marble palace, has indicated is not equal. And so this will be indeed a beginning. Once again, Dr. Cheeks, continue, continue the struggle and keep up the good work. You are also attempting with drug testing to ensure the public trust. I hope that's still on the forefront as well.

So I want to again echo the sentiments
of what has been said, to piggyback in full support. And the land of the free, the home of the brave in the pursuit of right, reason, and the fairness. And the words of Dr. King, the -- a man should not be judged, or be it a woman, on the color of her skin, but rather by the content of his or her character.

And again, this Recovery Act will set forth in motion putting that in practice. And I would dare say Martin King, who's looking from above and viewing and listening, is showering favor on what's being done, on what's being said. Let's not let him done -- let's not let him down --

MS. STROUD: Thank you, Mr. Sindram, your two minutes are up. Your comments will be included in the record. And that concludes the list of speakers regarding the proposed measure. CHAIR BENNETT: So what we're going to do now, I'm going to -- oh, okay, what I'd like to do is to have the General Counsel read for the record their recommendations to the Board as to
whether the proposed measure presents a proper

subject initiative.

MS. STROUD: Thank you, Mr. Chair. So

my office reviewed the proposed initiative, and I

just wanted to discuss our finding for the

record.

We have determined that the verified

statement of contributions was timely filed on

February 24, that the initiative was in the

proper form, meaning that it contained or was

accompanied by -- there was an affidavit

containing the proposer's name, telephone number,

resident's address, and a statement that the

proposer's a registered qualified elector in the

District.

Five printed or typewritten copies of

the measure were submitted. There was a summary

statement of no more than 100 words, as well as a

short title of the measure.

So we looked at whether or not the

proposed measure met the criteria that I outlined

previously and determined that the measure would
authorize discrimination in violation of the
District's Human Rights Act, as beneficiaries are
determined by DNA testing. So that the
provisions in that regard would violate the Human
Rights Act.

We determined that the measure would
negate or limit a budgetary act of the Council in
that it includes unfunded mandates that would
interfere with an established budget act by
requiring additional unforeseen expenditures for
DNA testing requirements and adjudication for
determining beneficiaries' qualifications for the
new programs envisioned by the measure.

The measure would also violate the
District Charter. The measure attempts to -- in
that it would attempt to legislate outside of the
District contrary to D.C. Official Code 1-
206.02(a)3 by directing foreign corporations and
nations to compensate District residents for the
Trans-Atlantic Slave Trade.

It would also amend the jurisdiction
of the DC court system in contravention of DC
Official Code Section 1-206.02(a)4 by granting
new jurisdiction to hear new causes of action
related to the measure.

The measure would also violate the
First Amendment by imposing financial sanctions
for wearing certain garments, displaying certain
bumper stickers, or displaying certain names on
statues on private land.

The measure would also appropriate
funds in that it would require additional
expenditures for new and existing programs and
allocate funding for new programs, including
legal representation in civil cases, body cameras
wore to enforce speech censorship, and the
establishment of a new office to bestow
beneficiaries with recovery funds extracted from
private industry.

And this violates the right of
initiative, which does not allow for these
required allocations of funds.

Moreover, the measure would propose
providing citizens with an unfunded benefit. In
a court case titled District of Columbia Board of Elections v. The District of Columbia, the court determined that measures with unfunded mandatory provisions are improper subjects.

The measure would violate the U.S. Constitution again because it censors speech in violation of the First Amendment as just discussed, and it would also discriminate on the basis of race.

And so that is the memo and the report based on the analysis of the initiative measure that the Office of the General Counsel posed in response to the initiative.

CHAIR BENNETT: Have we got anything from the Office of the Attorney General as of yet?

MS. STROUD: We have not.

CHAIR BENNETT: Okay. What I'm going to do I'm going to -- first of all, let me thank all of the persons who testified today. The testimony was really moving and appreciated. Therefore, what I want to do, my initial plan was
to ask for a motion for us to go into executive
session after public matters and consider it and
have a verbal response today.

However, considering the testimony
that in my view was quite compelling, and but we
also have a legal precedence that undercuts some
of that compelling testimony, what I want to do
is to make sure that as a board, we have an
opportunity to fully vet and fully discuss in
executive session all the merits of the matter.

And so we will not reconvene. We are
going to -- I am going to ask for a motion to go
into executive session this afternoon to have
discussion on the matter, but we will not
reconvene today with a verbal decision. We will
get an initial decision out to you as soon as
possible. We'll try to do that within a few
days, but that's what we'll do today.

So I'm going to ask Board Member Gill
to give us the motion to go into executive
session to discuss this initiative.

MEMBER GILL: Michael, may I, before
we do that --

    CHAIR BENNETT: Yes.

    MEMBER GILL: I just wanted to clarify

the point, so our office of General Counsel

posted the analysis of the petition or the

proposal on the website on April 17.

And normally in these situations, we

have an analysis provided by the DC Attorney

General, which helps us, you know, sort of weigh

if there's a conflicting analysis between that

attorney general and our own General Counsel's

Office, or more often they're the same.

But generally we have that DC Attorney

General analysis at the same time that we have

the hearing, and in this case, we don't. Ours

was posted April 17, so it's not like it's not

been out there in public. I just want to raise

that issue, because I think it's important that

people understand we didn't get that analysis

from the Attorney General.

Now since I used this opportunity

before the motion, I'll give Karyn a chance, or
if you want to say anything on that. And then
otherwise I will offer a motion to go into
executive session. But let me give you the
opportunity or Karyn to say something.

MS. STROUD: Yeah, Mr. Gill, I just
want to make a correction. The Board's, the
Office of the General Counsel does not post its
analysis on the website. We provide our analysis
at the time of the proper subject hearing, which
we did today through my reading of our analysis
into the record.

And we did not receive analysis from
the Office of the Attorney General. We invite
them to submit a analysis and comments, and more
often than not, they do, but they did not in this
instance.

MEMBER GILL: Thank you, Terri.

CHAIR BENNETT: Ms. Greenfield?

(Simultaneous speaking.)

MEMBER GILL: No, no, let Karyn. I
was just going to make a motion, but I wanted to
let Karyn have an opportunity.
CHAIR BENNETT: Well before you make a motion, I want to make a statement as to what you indicated, Mr. Gill.

MEMBER GILL: Okay, all right.

CHAIR BENNETT: So, Ms. Greenfield.

MEMBER GREENFIELD: No, I didn't have anything, I'm fine.

CHAIR BENNETT: Okay, well, what I wanted to do, and I think your points are important and well taken, Mr. Gill, what we're going to do is we are going to -- I'm going to take a motion to go into executive session.

But just so the public knows, we're also going to ask the Attorney General again to provide us with their legal opinion so as Mr. Gill said, we'll have an opportunity to have additional comment and for other legal opinions to weigh in on the position that our General Counsel has taken with regard to this particular initiative.

So with that, can I get a motion for us to go into executive session? And we'll go
into executive session this afternoon to
deliberate in an adjudication and to adjudicate
this particular action.

    MEMBER GILL: Sure, I make a motion
for the Board to move to executive session.

    CHAIR BENNETT: Ms. Greenfield.

    MEMBER GREENFIELD: I second.

    CHAIR BENNETT: Okay, and that is to
go into executive session for us to consider the
adjudication of this particular initiative. And
I vote yes as well, but I'd like to take a roll
call vote. Ms. Greenfield, your vote is?

    MEMBER GREENFIELD: Yes.

    CHAIR BENNETT: Mr. Gill?

    MEMBER GILL: Yes.

    CHAIR BENNETT: And I vote yes as
well. So we will go into executive session after
public matters, and but to change what I said
initially, we want to make sure we have all the
material and the legal opinions necessary to
consider this really important initiative. And
so we will get those and discuss those matters
prior to coming out with a decision.

And so now we're going to move to public matters, and after public matters, the meeting will be adjourned and the Board will go into executive session to consider the matter. And we'll give you some notice in a day or so as to when the opinion will come out.

We're going to try and have it out as soon as possible, but we certainly have -- how many days do we have to get it out?

(Off-mic comments.)

CHAIR BENNETT: Okay, well, we're going to get it out as soon as possible, because this is really important. And all of you who have testified, I can't tell you how much I appreciate it, and your passion on this issue is certainly shared by many. So thank you so much.

Public matters, we have on the line, I know Mr. Sindram's on the line. Is there anybody else on the line who'd like to make a statement?

(Simultaneous speaking.)
CHAIR BENNETT: Well, let me recognize Ms. Dorothy Brizill.

MS. BRIZILL: Okay, this is Dorothy Brizill with DC Watch. I'd like to ask two questions. One is the Council yesterday passed a new bill, the Coronavirus Omnibus Emergency Act of 2020, and in it, it would change the method and means by which petitions are circulated in the District.

And in essence it says that petition sheets for the November 3 election may be circulated by candidates electronically. That the candidate may send the petition to petition circulators, and the petitions circulators may in turn return them to candidate electronically.

Can I ask Alice how she intends to oversee or implement this? And my concern goes to the fact that every time you transmit a written document with a signature on it in particular, it gets degraded in some way. Is there going to be a requirement from the Board that somewhere someone is going to be required to
retain their original petition sheets with the signature?

    MS. STROUD: So, Ms. Brizill, this is Terri Stroud, and we indicated to the Council that because it was at their request that the Board be allowed to receive signatures digitally. And so we're looking to -- and that was, that's from the Council.

    And so we are under a statutory mandate to accept digital signatures because of the campaigns and candidates will be allowed to receive those in that manner from the Council. So we're exploring ways to get as high integrity with respect to the signatures as we can. But that is a mandate from the Council, as you're aware.

    MS. BRIZILL: Well, I understand it is a mandate from the Council in terms of the legislation they adopted, but I've had a conversation with the Chairman of the Council, Mr. Mendelson, and he has agreed with me and has expressed concern about the degradation that
could occur with the signatures. And that
somewhere, someone will be responsible for
retaining those original documents.

So in fact after petitions get
challenged, there is an original document to go
to, not a badly copied email.

MS. STROUD: So the individuals who
are signing the petitions would in most cases be
the ones to have the original signatures because
they would be collecting them. And then the law
provides that they can provide those signatures
electronically to the campaigns and the
candidates.

And so those signatures in most
instances would be with the individuals who are
circulating, and we will look into whether or not
they could be provided to the Board for the
purposes of ensuring the integrity of the
signature.

CHAIR BENNETT: Yeah, it sounds like,
Ms. Brizill, it sounds like that you're
recommendation is for us to by regulations
require that the persons maintain the original
copies, and that's a really good suggestion, and
provide that to the Board. So let us consider
that and determine how best to implement that.

MS. BRIZILL: Okay, thank you. My
second question deals with today's meeting.

(Simultaneous speaking.)

MS. BRIZILL: I got a copy of the --

I'm sorry?

CHAIR BENNETT: I'm sorry, Ms. Brizill, go ahead.

(Simultaneous speaking.)

MS. STROUD: Okay, we're are entertainting Ms. Brizill right now, so if you
could hold your question, thank you.

MS. BRIZILL: I got a copy of those --

(Simultaneous speaking.)

CHAIR BENNETT: I'm sorry, go ahead.

MS. BRIZILL: I got a copy of today's agenda, and on today's agenda it indicated that
you were going to have a public hearing on this
initiative of United States Adjustment and
Recovery Act. I then looked on the Board's website to see if I could find a copy of the proposed initiative. I could not.

I then went through every issue of the DC Register since January, could not find the text. Is there any reason why the Board, when it puts an item such as this on its agenda, doesn't include somewhere on its website the text of the initiative?

MS. STROUD: Ms. Brizill, the initiative was published in the DC Register on April 17.

PARTICIPANT: Great question.

MS. BRIZILL: April 17?

MS. STROUD: Yes.

MS. BRIZILL: Okay, okay, I went through it and I did not see it. Okay, and so did you put -- did you also put --

MS. STROUD: It would have been in the public notices section.

MS. BRIZILL: Did you also publish in the DC Register today's hearing in terms of
proper subject?

MS. STROUD: We published the notice -- it was published with the notice for today's hearing in the DC Register. That's where the text of the initiative was.

MS. BRIZILL: On April 17?

MS. STROUD: Yes.

MS. BRIZILL: Okay, thank you.

MS. STROUD: You're welcome.

CHAIR BENNETT: Can I recognize (telephonic interference) thank you, Ms. Brizill. Can I recognize one other person? I know Mr. Sindram is there, but (telephonic interference). I believe somebody else came in. I'm sorry, can somebody -- if you're not going to speak, can you put your phone on mute.

MR. CHEEKS: Yes, this is John Cheek, the proposer.

CHAIR BENNETT: Yes, sir.

MR. CHEEKS: I was asking to interject in this discussion here. I believe the young lady, Terri, misread the U.S. Recovery Act.
We're not asking the District of Columbia to pay for any DNA tests of any of its people. Each person will be responsible for their own DNA test. We're not asking the District of Columbia to even use any of their offices. This is a private concern with a public matter to vote on.

CHAIR BENNETT: Okay, I think Ms. Stroud will take note of that. And in fact, if any of the proponents would like to take issue with anything that was read, and I think the General Counsel's opinion will be available on the website, or we can just, you know, like email it to you, you're certainly more than welcome to respond to that.

Is there any other public matter?

DR. ETIENNE: Yes, this is Dr. Etienne, co-proposer of the Recovery Act. I would like to ask if we can direct this to Mr. Karl Racine, my African-Haitian-American brother, why that he would not respond.

This is our second time proposing in front of the Board, of course here on a
teleconference. Why, or is he going to respond
to something of this magnitude, why would he not
respond or send out a letter? So I'm requesting
that he respond or put something in writing why
he would not be in support of this bill.

CHAIR BENNETT: I, we will certainly
ask for the Office of the Attorney General's
opinion on the matter. I would recommend also
that you correspond directly with them as well.

(Simultaneous speaking.)

MR. CHEEKS: John Cheeks, I would ask
for you to request that as well. Could you
request that?

CHAIR BENNETT: No, he's missed his
moment to submit his opinion. We can ask for
that to be dismissed.

(Simultaneous speaking.)

MR. CHEEKS: I want that noted, I want
that noted --

PARTICIPANT: He did not submit his
opinion, so that's dismissed. We don't need it
inserted into the record.
CHAIR BENNETT: I'll note it, yeah, I'll note it. Is there any other public matters for this session -- this section?

MR. SINDRAM: Yes.

CHAIR BENNETT: Yes, sir.

MR. SINDRAM: Mr. Chair.

CHAIR BENNETT: Yes.

MR. SINDRAM: Michael Sindram, disabled veteran, served our country more than most. I thank you, Mr. Chair, you're not acting precipitously this Recovery Act and you're taking it under close scrutiny and advisement and render a decision after all of the evidence has been put forth.

I have eight items. I want to list them off, and they're going to require responses. You can do it, you know, it's been late, lateness of the hour to get back with me. Number one, the --

(Simultaneous speaking.)

CHAIR BENNETT: Mr. Sindram, you've got three minutes, sir. I'm sorry, but that's
how we're going to roll here. Thanks.

MR. SINDRAM: As I've indicated, Mr. Chair, I have eight items I'm going to put out there, I'd like your response.

Number one, General Counsel Sanford indicates Jack Evans matter audit will be forthcoming sometime in the future. Keep in mind that the voting May 22, the primary June 2. We want to know. This is going to have an impact on what we're going to do and how we're going to vote. So that audit needs to be brought forth forthwith.

Number two, why is not Ed Lazere's name on the at-large ballot for the District of Columbia, in light that he's receiving public funds?

Number three, what's been said, the voter guide indicates about absentee ballot deadline. I would refer your attention the mailbox rule that is reflected when deposited mail is properly addressed and needs to be looked at accordingly and taken under -- taken into
Number four, Mr. Gill, you've indicated that the write-in or that there is no opportunity for write-in on the Republican ballot for President or Vice President. My question to you is what about for the respective Council and other offices to be on the Republican ballot, is there an opportunity for write-in?

Number five, the Mushroom Bill. It's putting a chilling effect on the duties of MPD for enforcement. I think the Board needs to look at this very closely and very carefully, you're opening up Pandora's Box.

Number six, I'm going to renew my request to you, Mr. Chair, with the DC Court of Appeals. As you know, there's a FAR. I can't enter the courthouse to receive public documents. That ought not be.

And I'm beseeching the angels of your better half to reach out to the DC Court to be able to have access, courthouse access, and to retrieve records right at point with the Board of
Elections.

Number seven, I've asked for a hard copy of the yearly monthly meetings for this year. I've not received it. I've receive a copy of the Mushroom Bill, but not of the yearly meetings. And please send it to me, you have my address or you know how to get in touch with me.

And last but not least, it's been problematic to weigh in by phone. I'm holding an order, an Office of Administrative Order in Case No. 2018-DATF-207070, 20207. And it indicates here that the number that had previously been used, the 1-650, doesn't work.

And so Judge Handy indicated, and I quote, Prior status conferences were held on May 7, 2019, September 13, 2019, and December 13, 2019 and continued for parties to resolve the three pending issues.

Status conference was scheduled for April 24, 2020, but both parties had difficulties accessing the WebEx meeting room set up for the hearing. Therefore, I have continued status
conference and dialed into the telephonic bridge, which I will access using the WebEx meeting platform.

And that number is 1-866, not the 1-650. As I've indicated to Ms. Jennings, it's problematic. She did not want to hear my concern, but I'm putting it out there. That needs to be corrected.

CHAIR BENNETT: Mr. Sindram --

(Simultaneous speaking.)

CHAIR BENNETT: Mr. Sindram, thank you so much. I'm sorry I've got to cut you off, but I take note of your requests. Are there any other --

MR. SINDRAM: Give me a call and we can discuss further offline.

CHAIR BENNETT: Thanks, Mr. Sindram.

Is there any other persons with public matters?

(Simultaneous speaking.)

PARTICIPANT: I just wanted to take the time to say Mr. Bennett, I don't know you, but I personally think that you conducted this
hearing in a very professional manner, and I appreciate the logistical efforts that you put in. So thank you very much, and like I said I don't know you, but I think you did a good job today.

CHAIR BENNETT: I appreciate that, and please accept this virtual hug. This is really difficult, and everybody's very patient, and so I appreciate that. This is, we're doing the best we can. The technology is challenge at best sometimes, but thank you, I do appreciate that. I don't get thanked very often --

(Simultaneous speaking.)

PARTICIPANT: I just want to give you and your team instant recognition, because you know, people should be recognized when they try to do their best, and I appreciate what you do for the city, thank you.

CHAIR BENNETT: Thank you so much, we have a great team for sure, and virtual hugs to all.

So hearing nothing else with regards
to public matters, as I've said, we will go into executive session and we will come out with a decision as soon as possible.

Thank you so much, and this concludes the May meeting and hearing of the District of Columbia Board of Elections. Can I get a motion from Mr. Gill or Ms. -- from Mr. Gill to adjourn the meeting?

MEMBER GILL: I move to adjourn the meeting.

CHAIR BENNETT: Can I get a second from Ms. Greenfield?

MEMBER GREENFIELD: Yes, I second the motion.

CHAIR BENNETT: Okay, and so this -- it's been properly moved and seconded, so all three vote that we adjourn the meeting. Thank you so much, and we'll be getting out at a

(Simultaneous speaking.)

CHAIR BENNETT: Thank you.

(Whereupon, the above-entitled matter went off the record at 12:25 p.m.)
CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Board Meeting

Before: DCBOE

Date: 05-06-20

Place: teleconference

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

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701
www.nealrgross.com

(202) 234-4433