GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

BOARD OF ELECTIONS

REGULAR BOARD MEETING

WEDNESDAY

SEPTEMBER 2, 2020

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

BOARD OF ELECTIONS MEMBERS PRESENT:

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

BOARD OF ELECTIONS STAFF PRESENT:

ALICE P. MILLER, Executive Director
KAREN F. BROOKS, Registrar of Voters
KATE MUNOZ, Senior Attorney
DEANNA SMITH, General Counsel
TERRI STROUD, General Counsel

OFFICE OF CAMPAIGN FINANCE STAFF PRESENT:

CECILY COLLIER-MONTGOMERY, Director
WILLIAM O. SANFORD, General Counsel
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(10:03 a.m.)

CHAIR BENNETT: All right. Okay. So I'm going to call the meeting to order. I need to ascertain a quorum. Can Ms. Greenfield and Mr. Gill -- well, Ms. Greenfield can you give me a "present?"

MEMBER GREENFIELD: Present.

CHAIR BENNETT: Mr. Gill, can you give me a "present"?

MEMBER GILL: Present.

CHAIR BENNETT: And I am present. So three Board members are here and present, so we have a quorum. The meeting is called to order.

The adoption of the agenda and the approval of the minutes from last meeting, from the October -- sorry, August 5th meeting. What I'm going to do with the agenda, though, is to amend the agenda and put public matters just above the nominating petition challenge hearings. And then the meeting would adjourn after we concluded the nomination petition challenge
hearings. So -- I'm sorry, it will conclude after proper subject matter hearing. So, anyway, I'm moving (audio interference) to just before C of the agenda.

So can I get a motion to approve the agenda as amended and minutes from August 5th?

MEMBER GILL: Hi, Michael. This is Mike Gill. I move we approve the agenda as amended and I move we approve the minutes from the last Board meeting.

CHAIR BENNETT: Okay, great. Ms. Greenfield, can I get a second?

MEMBER GREENFIELD: I second it.

CHAIR BENNETT: Okay. It's been properly moved and seconded. We'll do a voice vote. Mr. Gill?

MEMBER GILL: Aye.

CHAIR BENNETT: Ms. Greenfield?

MEMBER GREENFIELD: Aye.

CHAIR BENNETT: Aye from me. So it's unanimous, the agenda and minutes from last meeting are approved.
Board matters, Ms. Greenfield?

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

CHAIR BENNETT: Any Board matters, Mr. Gill?

MEMBER GILL: No, I do not have any.

CHAIR BENNETT: Okay. And I have one, and that is to note that the appeal from the OCF Order 2019 on Landry and Warren, that order is delayed getting out. Just lots of other things going on. But, anyway, that order will get out as soon as possible, and so I want to apologize for not getting that order out sooner.

Next item on the agenda is the report from the Office of Campaign Finance. Ms. Cecily Montgomery.

Ma'am, sorry, you're on mute.

MS. COLLIER-MONTGOMERY: Yeah. Can you hear me?

CHAIR BENNETT: Yes, I can. Thank you.

MS. COLLIER-MONTGOMERY: All right.
The first thing I want to report is that we continue to operate under a modified status, and all of us our services continue to be provided remotely via email and telephone. The number is 202-671-0547. Our financial reports will continue to be received online at our website on the required deadlines and candidates may also contact our office for instructions concerning the registration process.

I would also report that, on August the 27th, 2020, the office posted a notice of debates at our website. The office will conduct debates during the week of September the 28th, 2020 in the contested citywide races and the November the 3rd, 2020 general elections for the office of at-large member of the Council, and also for the office of at-large member of the State Board of Education. All candidates who are certified in the Fair Elections Program must participate in the debate, and the candidates in the traditional campaign finance program will be invited to participate.
And I would also point out for the record that, under the Fair Elections Act, the Office of Campaign Finance is required to conduct debates in the citywide races during -- in the citywide races which are contested. And, in this particular case, again, the citywide races that are contested are the at-large member of the Council and also the at-large member of the State Board of Education. And these are contested citywide elections in which candidates who have been certified as participating -- candidates in the Fair Elections Program also are certified in those particular races. And, again, the Fair Elections Act does require -- it is mandatory that the FEP candidates who have been certified in the program must participate in the debate.

At the present time, in the at-large City Council race, there are 10 certified Fair Elections Program candidates, and there are 13 traditional program candidates who will be invited to attend.

In the State Board of Education
contestant race, there is one Fair Elections Program participating candidate. And, also, there are four traditional program candidates who will be invited to attend.

In the Fair Elections Program Division, as of August the 28th, 2020, the total sum of $3,283,278 has been disbursed in base amounts and matching payments during Fiscal Year 2019 and 2020 to the 32 candidates certified in the Fair Elections Program to participate in the June 2nd, 2020 primary election, the June 16, 2020 special election, and the November the 3rd, 2020 general election. The current balance in the elections fund allocated for the 2020 election cycle is $790,435.13.

There are currently 31 candidates registered in the Fair Elections Program for the November the 3rd, 2020 general election, and 16 of these candidates are certified as participating candidates. Basically, that means that means that they met the threshold requirements for the offices that they are
seeking. Eleven candidates were certified as participating candidates in the primary election, and 10 of those candidates were defeated and will not continue to participate in the general election. And the four candidates who were certified as participating candidates in the June 16th special election were defeated.

During August of 2020, the total sum of $584,593.65 was disbursed in 34 authorized base and matching payments. And the candidates' names are listed on our report, but I will not read them into the record. Our stats will be published at our website this evening so that members of the public can view directly to whom the payments were made.

With respect to certifications in the Fair Elections Program, there were five candidates who were certified to participate in the November the 3rd, 2020 general election during the month of August. The first was Martin for Ward 2, who was certified on August the 26th; the second is Vincent Orange 2020, who was
On August 26th, Randy Downs for Ward 2, the Committee to Elect Dontrell Smith was certified on August 26th; and Washington for Ward 8 DC, who was also certified on August 26th.

During the month of August, the Fair Elections Program's division also conducted desk reviews and other activities. They conducted 39 desk reviews of the mandatory August 10th, 2020 and amended reports of receipts and expenditures. They issued 14 requests for additional information to committees based on the desk reviews. They also issued six status reports to candidates who are seeking certification in the program who have not yet met the threshold requirement.

In our Public Information and Records Management Division, before I report on the two filing dates which were scheduled in August, I have updated the report from the Board's meeting in August with respect to the July 31st report of receipts and expenditures.
The July 31st report of receipts and expenditures filed by the principal campaign committees and the political action committees, the total number of required filers was 54. Thirty-eight timely filed. We had one request for an extension, which was granted. We had 15 failures to file, and the 15 failures to file were referred to the Office of the General Counsel for enforcement. And all of the candidates who timely filed electronically filed their reports.

With our initiative referendums committees who are required to file the July 31st report of receipts and expenditures, we had 10 required filers. Five actually filed; five failed to file and will be referred to the Office of the General Counsel. And the five who timely filed also electronically filed their report.

For the August filing dates, August the 10th was the due date for the filing of the report of receipts and expenditures by the principal campaign committees and also our
political action committee. We had 78 required filers; 71 timely filed; we had three late filers. We also had three filers who requested extensions, and the extensions were granted. We had four failures to file, and there will be seven referrals to the General Counsel for the enforcement process. All 74 of the actual filers also, again, electronically filed their reports.

August the 10th was also a filing deadline for the filing of the reports of receipts and expenditures for our independent expenditure committees. We had three required filers, three timely filed, and they also electronically filed their report.

With our Fair Elections Program, August 10th was also the filing of the report of receipts and expenditures by the principal campaign committees in the program -- registered in the program. There are 45 required filers. There were 36 timely filers. There were two late filers. There were also five extensions which were requested and granted. There were five failures
to file, and there were seven referrals to the
General Counsel for enforcement. Again, the 38
actual filers also electronically filed their
report.

In our Fair Elections Program, there
was also an optional filing date for those
committees that have been certified, and that
date was August the 31st. In terms of the number
off timely filers, there was seven, and the seven
also electronically filed their reports.

During the month of August, we had
five new candidates and committees who registered
in the traditional campaign finance program.
Claudia Berrigan, Committee to Elect Claudia
Berrigan for City Council At-Large, registered on
August the 1st. Ravi Perry, the Committee to
Elect Ravi Perry to the DC State Board of
Education At-Large registered on August 3rd.
Sohaer Syed, U.S. Representative on August the
4th. Christopher Etesse/Chris Edu Tech Ward 2
registered on August the 5th. Sarah Mehrotra,
Committee to Elect Sarah Mehrotra, Ward 2 State
Board of Education, registered on August the 10th.

During the month of August, again, there were 14 referrals to the Office of the General Counsel for the failure to timely file the August 10th report. Three of these were traditional candidates to committees; seven were Fair Elections candidate committees; and four were political action committees. I won't read the names of the committees into the record but, again, they are listed on our report, and our report will be published at our website this afternoon.

With referrals to the Office of the General Counsel for the failure to timely file the July 31st report of receipts and expenditures, there were 20 referrals. Again, 14 were principal campaign committee; one was a political action committee; four were initiative committee; and one was a referendum committee. Again, the names of those committees will be published this afternoon at our website in our
stats.

We had 20 candidates and treasurers who during the month of August completed the OCF entrance conference presentation. Again, the names of those candidates and committees are listed in our report, and they will be available this afternoon on our website.

In our Reports Analysis and Audit Division, during the month of August the Audit Division conducted 114 desk reviews of reports that had been filed during the month of August. Also in the Audit Division, with respect to ongoing audits, the first is the full field audit of the Jack Evans Legal Defense Fund. The final audit report was issued on August the 3rd, 2020. With periodic random audits, we have three which are ongoing of candidates. In the upcoming 2020 elections of the January 31st filing, Friends of Robert White, the audit records were received on March the 16th; Veda for Ward 7 was initiated on March 2nd; the Committee to Elect Rogers for Council was initiated on March 2nd.
We also have periodic random audits of the January 31st reports filed by the political action committees: the Verizon Communications Inc. Good Government Club PAC, which was initiated on March 2nd; the DC Libertarian Party, which was initiated on March 2nd; the Firefighters Committee on Political Activities, which was initiated on March the 2nd.

We also have a period random audit, which is ongoing, of our constituent service programs. And that is of the April the 1st, 2020 report that is with respect to the Ward 4 Constituent Service Program. An extension was granted in that case for the transmittal of the records. And, again, due to unexpected circumstances, a request was also submitted on August the 25th, 2020.

With respect to the audit that was issued, the Legal Defense Fund for Jack Evans, that audit was issued on August the 3rd, 2020. It is available at our website for review by members of the public. It was issued as a
compliance audit, and it was also referred to the Office of the General Counsel for the resolution of the complaint which was received on February the 3rd, 2020 from the Committee to Hold Jack Evans Accountable.

The OCF General Counsel requested that the audit branch conduct an investigative audit of the financial operations of the fund. And Mr. SanFord, the General Counsel, will, during his report, also address the complaint which was filed.

That completes my report, and I would ask that Mr. SanFord, the General Counsel, now present the report from the Office of the General Counsel for the office.

MR. SANFORD: Good morning, Mr. Chairman and distinguished Board Members. My name is William SanFord, General Counsel for the Office of Campaign Finance.

CHAIR BENNETT: Good morning, Mr. SanFord. Thank you.

MR. SANFORD: Thank you. During the
month of August, the Office of the General Counsel received a total of 36 referrals. Thirty-four referrals came from the Public Information and Records Management Division, which included 20 referrals for failure to timely file the July 31st, 2020 report, and 14 referrals for failure to file the August 10th, 2020 report. In addition, the Office of the General Counsel received two referrals from the Reports Analysis and Audit Division for failure to respond to requests for additional information.

The Office of the General Counsel conducted 19 informal hearings and issued 12 orders in which no fines were imposed. During the month of August 2020, the Office of the General Counsel did not impose any fines, nor did the Office collect any fines.

During the month of August 2020, the Office of the General Counsel maintained a total of five open investigations, which included the following.

Number one, the Committee to Hold Jack
Evans Accountable, Adam Eidinger, Chairman. A complaint was received on the 3rd of February 2020. The respondent was DC Legal Defense Committee for Jack Evans. The allegation included the unlawful use of a legal defense committee. As the Director has indicated during her presentation, that matter was referred to the Reports Analysis and Audit Division for an investigative audit. That final audit report was issued on the 3rd of August 2020, and the case was referred back to the Office of the General Counsel. And on August 31st the Office of the General Counsel issued an order dismissing the complaint based upon the findings in the investigative audit, in addition to the investigation conducted by the Office of the General Counsel. That order will be posted at the Office of Campaign Finance website later today.

The second complaint was filed by Jennie Malloy on May 19th of 2020. The respondent in this case is Karl Racine for
Attorney General 2018, the principal campaign. The allegation was inappropriate use of campaign funds. The investigation has been completed, and the order is pending.

The third complaint, also filed by Jennie Malloy on May 19th, the respondent was Ed Lazere for DC, principal campaign committee. The allegation, again, was inappropriate use of Fair Elections funds. The investigation was completed on the 14th of August 2020, and the order was issued on the 28th of August 2020. That complaint was also dismissed because the Office of the General Counsel concluded its investigation and found that there were no actual expenditures connected with the allegation that an email transmitted by the committee endorsing a candidate in another election was paid for by funds that were attributed to the Fair Elections funds that the candidate, Ed Lazere, received.

The fourth investigation was a complaint that was filed by Chuck Thies on May 28, 2020. The respondent in this matter was
Anthony Lorenzo Green, principal campaign committee for Ward 7 DC Council. The allegation was inappropriate use of a government resource. An investigation has been completed. The order is pending.

And the final open investigation, a complaint filed by Laura Wolfe on June 12th, 2020. The respondent is Brooke Pinto, and the allegation was failure to report excessive contributions. That investigation has been completed, and the order is pending.

And all of the pending orders should be issued by the end of next week.

During the month of August 2020 there were no requests for interpretive opinions. And during the month of August 2020 there were no show cause proceedings conducted by the Office of the General Counsel. And that should conclude my report.

CHAIR BENNETT: Ms. Montgomery, is there anything else?

MS. COLLIER-MONTGOMERY: Yes. One
thing I neglected to state for the record is that the debates that the Office of Campaign Finance will conduct during the last week of September will be conducted in a virtual format. And we will provide more details, probably on a weekly basis.

We have sent out notices to all of the candidates who would be required to participate in the Fair Elections Program. And we have also provided notices to the candidates in the traditional program, as well, that they will be invited to participate in the debates. But, again, we will provide more information as it becomes available, and we'll make sure that the public is fully aware of when and also the time for the debates.

CHAIR BENNETT: Thank you, Ms. Montgomery. Just to add -- just to repeat a little bit, because I think you went out for a little bit. It really was about the debates, and the one comment I wanted to make was this is a new program that the Office of Campaign Finance
has been working very hard to put together. It seems to be coming together nicely, and thanks for all that.

So, there will be a lot of information on the website, and the Office of Campaign Finance and the FEP program are to be congratulated. But we also need to continue to support them in this process, to make sure that we have debates that are consistent with (audio interference). So, thanks so much for that, Ms. Montgomery.

MS. COLLIER-MONTGOMERY: You're welcome.

CHAIR BENNETT: Mr. Gill, do you have any questions?

MEMBER GILL: No questions. Thank you.

CHAIR BENNETT: Ms. Greenfield, do you have any questions for Ms. Montgomery?

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

CHAIR BENNETT: Okay. Thanks so much,
Ms. Montgomery.

Next item on the agenda is the Executive Director Report for the Office of Campaign Finance. Ms. Miller? I'm sorry, Board of Elections, Executive Director of the Board of Elections. Ms. Miller. Thank you.

MS. MILLER: Thank you. Just, as you know, we're really approaching the final leg of preparations for the November general election, about 65 days out. With that said, (audio interference) are 55 mail drop boxes placed around DC and will be available October 5th through 8:00 p.m. on November 3rd, election night. Ballots will be able to be deposited in boxes 24 hours a day until they are locked at 5:00 p.m. on election night. Boxes have (audio interference) mail drop boxes.

As I indicated at our last meeting, drop boxes have been found to be quite popular (audio interference).

CHAIR BENNETT: Can everybody hear Ms. Miller okay? Ms. Greenfield?
MEMBER GREENFIELD: She's dropping out a little bit.

CHAIR BENNETT: Okay.

MS. MILLER: Okay. They have a very slim slot for letters to deposit their ballots with the rare possibility of anything other than an envelope having the capability of fitting through the slot. The ballots will be retrieved by BOE staff twice a day through Election Day.

As of yesterday, we have trained 1,327 poll workers. We have 2,500 students to be trained and an additional 3,000 now being processed for training through October. These are all new poll workers. None of this includes any of our veteran poll workers, of which 2,000 have said that they are willing to work for this election.

I would also indicate that we are receiving, on average, 200 applications a day (audio interference) serving as poll workers. So they're definitely (audio interference) to sign up through this process, especially under very
challenging circumstances that we're being confronted with.

Poll workers, they will continue through the second work of October. Ballots are still scheduled to be mailed to everyone, as you know. They should begin arriving (audio interference) to any challenge period. The end of the challenge period with the ballot lottery, which is scheduled for September 11th.

We will operate 16 early vote centers. We have identified (audio interference) Union Market by Gallaudet, Capital One Arena, Nats Stadium, UDC, and (audio interference) will serve as early vote centers, and they will also serve through Election Day. We also have an additional 74, I believe, Election Day vote centers.

Anyone will be able to vote anywhere through Election Day, including at the early vote centers. The jail will not serve as a vote center. DC Jail will not serve as a vote center as previously reported. I received a letter from the Director of the Jail, Director Booth, who
indicated that they are still in the midst of handling COVID-19. They will remain in (audio interference) and for the future, they want to be in a medical stay-in-place status and will only operate and be available for their residents only. And, therefore, they will not allow the facility to be a polling location. So (audio interference) operate as a polling place, will have ballots made available to them through the absentee ballot process. People see that as the best form for ballots being made available for residents and maintain safe infection control and risk reduction as the facility is establishing the site as a polling site.

We are also working under the law with the restored vote process, which that law maintains that D.C. federal prisoners are allowed to vote in this election. With that in mind, we have identified 107 federal prisons that have D.C. residents. We have mailed 2,400 applications for mail ballots to those in the federal prisons and asked the wardens to provide
to them applications for registration. That was done on August 20th, and we asked them to please get those applications back to us by September 20th, which is the turnaround that will allow us to get those processed by October 13th deadline for registration. Well, hopefully, that will happen. We'll stay on top of that and work with the wardens and other entities that are helping us to support this initiative for the restore the vote process for the federal prisons.

We have a number of outreach activities that we've been involved with to actually help to allow us to get the number of poll workers that we have. And so I want to thank the Outreach Division for doing that. As of October, the month of October, I would say, they actually participated in 22 outreach programs. And that is amazing given the fact that these have been virtual and a lot of creative ways to get this done. And they have been just really creative with trying to do outreach and get registrations done and provide
means for individuals to sign up to be poll
workers (audio interference). That has gone on
through the whole month (audio interference) very
appreciative of that (audio interference).

I do want to thank everyone who has
stepped up to provide support to BOE as we try to
navigate this November election. And it is a new
normal and circumstances that have never existed
before. It's been a challenging process.
Actually, (audio interference) work with the ANCs
(audio interference) our community, various
parties and other civic organizations and
community groups, as well as our registered
voters to make this November election as seamless
as possible. And I want to, again, emphasize, at
the end of the day, we all want the same thing;
that is to work hard and make this election
happen, and especially have a positive voting
experience for our voters. And that's it for me.

CHAIR BENNETT: Questions. Mr. Gill?
MEMBER GILL: No questions. Thank
you.
CHAIR BENNETT: Any questions, Ms. Greenfield?

MEMBER GREENFIELD: No questions.

Thank you.

CHAIR BENNETT: Okay, great. Next on the -- and I have none. Thank you. Next on the agenda is the General Counsel's Report. Ms. Terri Stroud.

MS. STROUD: Good morning, everyone. The first item on my agenda is litigation status. The first matter is William V. Hunt v. D.C. Board of Elections. This matter is a complaint regarding the counting of write-in votes cast in the November 6th general election, 2018 general election. Mr. Hunt was a write-in candidate for mayor, and he filed a complaint to request that the Board count the write-in votes cast in the mayoral contest, which the Board was not required to do by law. The Board filed a petition in April of 2019, which was granted on March 10th of this year. Mr. Hunt appealed to the D.C. Court of Appeals, and we are ultimately awaiting a
The next matters are related, Philip Hammond v. D.C. Board of Elections and Robert Marlin v. D.C. Board of Elections. These matters were filed in the D.C. Court of Appeals and they appealed Board orders upholding a resolution of ANC 7B that found no vacancies in single member districts 7B04 and 7B05. All the papers in this matter have been filed and we are awaiting the Court's decision in this matter -- in both of those matters.

La Riva v. D.C. Board of Elections was a complaint for declaratory and injunctive relief alleging that a provision in the elections statute was unconstitutional because it provided ballot access (audio interference) for candidates for all office save the office of president, all offices except the office of president. Because of purposes of the election statute was challenged. The matter was handled by the District's Office of the Attorney General. The
case was dismissed as a result of the passage of the General Election Preparations Emergency Amendment Act of 2020, which lowered the signature requirement for the office of president to 250 signatures, the same as for at-large elected offices.

And the final case is Alliance Party v. D.C. Board of Elections. This matter was held in the District's Federal District Court, and it is similar -- it involves also the signature requirements from the office of president. The complaint alleged -- or seeks to preclude the Board from enforcing the August 5, 2020 deadlines to file nominating petitions against independent and third-party candidates for the office of president, because although the signature requirement was lower, that did not occur until after the August 5th deadline had passed. And so the Board -- the plaintiffs seek the court to accept the petition with the requisite number of signatures if it is filed by noon on Tuesday, September 8th. This matter is also being handled
by the District's Office of the Attorney General,
and there is a status conference on this coming
Thursday -- or tomorrow. That concludes
litigation status.

The next item on my agenda is the
rulemaking. The first rulemaking is final
rulemaking, and that is to amend Title 3 of 3
DCMR Chapter 7, to establish the deadline for the
receipt of absentee ballots. A notice of
emergency and proposed rulemaking with respect to
this rulemaking was published in the DC Register
on June 26, 2020 at 67 DCR 7922, and a notice of
emergency proposed rulemaking with respect to the
Chapter 16 rulemaking was published in the DC
Register on June 5, 2020 at 67 DCR 6977–6978.
And the Chapter 16 rulemaking concerns the
signature requirements that were lowered for the
2020 general election.

The next item is emergency rulemaking,
and that rulemaking would amend Title 3 Chapters
5 and 7 to place the chapters into conformity
with the General Election Preparation Emergency
Amendment Act of 2020, establish that requests for absentee ballots must be received by the 15th day before the election in light of United States Postal Service delays, and clarify that cameras may be used in voting and counting locations as long as they do not interfere with the election administration process.

And so I would ask the Board at this time to allow the Board to submit both sets of rulemaking, the final and emergency proposed rulemaking, to the DC Register, and they will become effective once published in both instances.

CHAIR BENNETT: Okay. Can we get a motion from Mr. Gill to accept the emergency and rulemaking -- the rulemaking that the General Counsel (audio interference).

MEMBER GILL: So, Michael, I couldn't quite hear you, but I think the request is that I make a motion to accept the General Counsel's recommendation?

CHAIR BENNETT: That's correct, with
regard to the rulemaking, emergency and --

   MS. STROUD: Emergency proposed and final.

   CHAIR BENNETT: And final. Yeah, I'm sorry. So that's the motion, Mr. Gill. So do I understand that you're making that motion?

   MEMBER GILL: Yes. I move to accept the General Counsel's recommendations.

   CHAIR BENNETT: Okay. Ms. Greenfield, can I get a second?

   MEMBER GREENFIELD: I second it.

   CHAIR BENNETT: Okay. It's been properly moved and seconded. Can I get a voice vote, Ms. Greenfield?

   MEMBER GREENFIELD: Aye.

   CHAIR BENNETT: Mr. Gill?

   MEMBER GILL: Aye.

   CHAIR BENNETT: An aye for me as well, so it's unanimous. Thank you, Ms. Stroud.

   And so now we're going to do public matters, and then we'll get to the hearing. So, if -- gosh, how are we going to do this, Randy?
So, if you can raise your hand if you'd like to speak. We will unmute your mic so we can bring you in. I guess you can type in the chat if you'd like to speak.

I apologize. This is all very difficult considering having to do all this virtually. Thank you so much for your patience during this matter.

If you're on the phone, you have to do star-3. Okay, I think we've got somebody.

All right. I believe this is Ms. Brizill. Can you identify yourself and give your address?

MS. BRIZILL: The audio on this setup is terrible. Can you hear me?

CHAIR BENNETT: Yes, I can. Thank you.

MS. BRIZILL: My name is Dorothy Brizill. I'm Executive Director of DCWatch. Our mailing address is 1327 Girard Street, NW. I would like to ask Ms. Miller a couple of questions. Could she give a report on where
things stand as regards contracting for the
November elections? Where do things stand as
regards contracting for a public relations firm?

CHAIR BENNETT: The question (audio
interference) contracting for a public relations
firm.

MS. MILLER: Oh, the contract was
awarded in August, I believe.

MS. BRIZILL: Ms. Miller, I can barely
hear you.

MS. MILLER: Okay. I'm sorry. The
contract was awarded in August. Well, it really
wasn't awarded. It was -- the contract was -- it
was already in place and so they just continued
the contract. I forgot how they frame it in the
Office of Contract Procurement.

CHAIR BENNETT: They amended the
contract, extended the term, and increased the
value.

MS. MILLER: Right.

MS. BRIZILL: Why did they amend the
contract and extend the value when there was a
lot of issues raised regarding the performance of the contractor for the June primary?

CHAIR BENNETT: Yeah, they had a bidding process, and they -- and at the end of the bidding process, they made the award to Bain, who had done the PR work earlier. And since Bain was awarded the contract, what they did was to simply amend Bain's current contract, extended the period, and increased the value.

MS. BRIZILL: That's what -- you didn't answer my question. I'm sorry, Mr. Bennett. My question was, if his performance for the June primary was so poor, and it was so acknowledged at the special hearing Mr. Allen had, why did you extend the contract as well as expand the amount of payment?

CHAIR BENNETT: The decision to do that, Ms. Brizill, is not on the Board. It's actually on the Office of Contracts and Procurement. And they made the determination when they reviewed the various proposals that Bain had the best proposal for this time period
and awarded accordingly based on their evaluation criteria.

MS. BRIZILL: Did the Board weigh in and express its concerns and objections, or did you not weigh in?

CHAIR BENNETT: I didn't personally weigh in. No, ma'am.

MS. MILLER: No.

MS. BRIZILL: Where do things stand as regards to contracting for other things, such as the ballot boxes? Has that been completed?

CHAIR BENNETT: Yes, it has. And also, the contract for the mail house has been completed as well.

MS. BRIZILL: What other contracts are outstanding? That haven't been completed?

CHAIR BENNETT: Those are the two big ones that I'm aware of right now. I can't think what the -- I don't think there are any others that are in the critical path, Ms. Brizill.

MS. BRIZILL: I have one more question. Who is the current public information
officer and press officer for the Board since
Rachel Coll indicates that that's no longer a
function of hers?

MS. MILLER: That position is
currently being advertised for.

MS. BRIZILL: What other positions are
being advertised?

MS. MILLER: That's it.

MS. BRIZILL: You're not advertising
to fill the IT vacancies?

MS. MILLER: No, not at this time.

CHAIR BENNETT: The IT vacancies --
Ms. Brizill, the IT -- just to answer your
question completely -- the IT support that we
need, we're actually in -- there is a large
contract that OCTO has that provides IT support
services, that we in the process of bringing some
of those folks on through that OCTO contract.

MS. BRIZILL: I don't understand what
you just said.

CHAIR BENNETT: Okay. OCTO has a
contract with a -- well, the name of the contract
is Pipeline, and that particular contract allows
you to purchase bodies, so to speak, IT bodies of
that contract to provide support. So we are
using the OCTO contract to bring in IT support
for the upcoming period.

MS. BRIZILL: And how does that work?

You then reimburse OCTO?

CHAIR BENNETT: Yes. Well, we
actually -- yeah, we actually reimburse OCTO for
the charges for those individuals. I believe
that's how it works. We end up paying for --

MS. BRIZILL: But what are the IT
positions? There's supervisor of the IT section
at Board of Elections. So you're going to
contract out for supervision of IT at the Board
of Elections?

CHAIR BENNETT: No, no, no. We're
just -- we're bringing in the IT services support
and we're supervising those persons ourselves.

MS. BRIZILL: One last question. You
have two vacancies in the area of the General
Counsel. Where does that stand?
CHAIR BENNETT: Ms. Stroud?

MS. STROUD: We are -- I'm speaking to candidates currently.

MS. BRIZILL: You're speaking to candidates now?

MS. STROUD: Yes.

MS. BRIZILL: So when do you assume you'll be bringing them onboard?

MS. STROUD: Hopefully, shortly.

MS. BRIZILL: Shortly is a month, two months, three months, six months, a year? What is it?

MS. STROUD: As long as it takes for me to find the right personnel to fill the positions.

CHAIR BENNETT: We're targeting in a couple of months, Ms. Brizill.

MS. BRIZILL: How many vacancies are there total at Board of Elections right now going into the November election? How many vacancies?

CHAIR BENNETT: I have to get back to you on that, Ms. Brizill. I'm not sure of the
total number. I don't have it in front of me.

MS. BRIZILL: Thank you.

CHAIR BENNETT: Thank you. Any other persons that raised their hands? I'm looking.

Okay. Go ahead, Mr. Sindram, you're unmuted. I believe. Michael Sindram?

(No response.)

MR. EIDINGER: Are you -- can I ask a question still?

CHAIR BENNETT: Yes.

MR. EIDINGER: Hi. This is Adam Eidinger. I'm the treasurer for the Campaign to Decriminalize Nature. I requested now, going back at least a couple weeks, copies of our petitions that we submitted, and I have yet to receive them. And I was told there might be a delay due to printing for the election. But it's important information for us, and we haven't even received an estimate on what the cost will be. In the past, it's normally a two- or three-day turnaround for the Board, and I think we're now into well over a month, actually, since the
initial request, and I requested again. I'm wondering if there's a problem, like --

CHAIR BENNETT: Mr. Eidinger, one of the things that you're requesting copies of, what sort --

MR. EIDINGER: Copies of the Initiative 81 petitions that were submitted --

(Simultaneous speaking.)

MR. EIDINGER: -- the ballot.

CHAIR BENNETT: Oh, okay. Yeah. For the -- for lack of a better term, the mushroom petition?

MR. EIDINGER: Yes.

CHAIR BENNETT: Okay. We will -- we were talking about that now. One moment, Mr. Eidinger.

MR. EIDINGER: I know there was a lot going on, and I respect that. I'm still, though, making the request that I'd like to get the copies.

CHAIR BENNETT: Mr. Eidinger, thank you for your patience again. And I appreciate
your point. We will target to get those out in two weeks, sir. Is that reasonable, from your perspective? There is a lot of other stuff going, but if you can give us two weeks, that would be very helpful.

MR. EIDINGER: Yeah. I'm patient here. I just don't want the request to get lost, that's all.

CHAIR BENNETT: Okay. Well, we're committing to two weeks, so we'll try and make it shorter.

MR. EIDINGER: Sounds good. Thank you.

CHAIR BENNETT: Okay. Thank you, Mr. Eidinger. Do we anybody else on the line? Can you unmute somebody? Who is that? I can't see that far.

MR. SINDRAM: Can you hear me, Mr. Chair?

CHAIR BENNETT: Yes, I can. I'm sorry, can you identify yourself and address?

MR. SINDRAM: Michael Sindram,
disabled veteran, served our country more than most. Questions for you, Mr. Bennett. Following the full-blown hearing last meeting, it appeared to me the ANC Dupont Circle were clearly masking their attempt to endorse a candidate, and ANC is to be nonpartisan. So what is the status of your order, your opinion, if you will?

CHAIR BENNETT: That order will be out. There's been a little delay just getting the order written up. We are probably at least another couple weeks away. Sorry about that. We're really focused on trying to pin down some of these other things, but that's at least a couple weeks out, Mr. Sindram. I noted that earlier in the Board matters but thanks for asking about it.

MR. SINDRAM: Yes. And as you aware, I'm cybernetically challenged, so if you'll do the kindness, or Ms. Jennings, ADA Coordinator, send me a hard copy of it, that would be greatly appreciated.

CHAIR BENNETT: Okay.
MR. SINDRAM: I believe you all have my address on record, or you should, or I can give it to you.

CHAIR BENNETT: Yes. We'll make note of that and if you haven't gotten within a reasonable period of time, by the next meeting, Mr. Sindram, if you would call Ms. Jennings to make sure that she got the note. She's not in this meeting today, so --

MR. SINDRAM: Okay.

CHAIR BENNETT: Okay, I'm sorry. She is in the meeting, so she heard you.

MR. SINDRAM: Will do.

CHAIR BENNETT: Thank you.

MR. SINDRAM: Thank you, sir. Keep up the good work. And Mr. Gill, we need an elephant in the room. Competition is good. In this jurisdiction, the District of Columbia, we do not have an election. We really have a primary that determines who's going to be the candidate for the obstinate donkey and therein. That ought not be. And I might add, too, that the Democratic
Party, back in the day, were known as the Copperheads. So I don't understand why black folk especially flock to their former slave masters, the Copperheads, where the Republicans were the party -- the emancipating party, Emancipation Proclamation, you'll recall. So, again, we need an elephant in the room, Mr. Gill, and by and large, I understand D.C. Republican is a dirty word, but still, it seems like the public --

PARTICIPANT: There are states that's all Democratic.

MR. SINDRAM: Say again?

PARTICIPANT: There are states that are all Democratic.

MR. SINDRAM: I'm staying focused on the District of Columbia, our home, my home, sir, okay, and --

(Simultaneous speaking.)

CHAIR BENNETT: Please talk one at a time.

MEMBER GILL: Hey, Michael, this is
Mike Gill. I appreciate your sentiments there.

I will reiterate the Board of Elections, our
point is to make sure the elections are fair and
efficient and accountable. And so we try to keep
the partisan language out of these meetings.

MR. SINDRAM: Yeah, but how can that
be, Board Member Gill, if there's a one-party
town? It's a monopoly. Even courts have ruled
monopolies are illegal, plain and simple, and my
question to you is, as the most powerful -- the
head Republican, or at least visible, why isn't
there being more done for the Republicans to be
more visible and to campaign more vigorously?
This is the nation's, albeit the world's,
capital. We hear nothing, nothing about an
elephant in the room, and I've been mentioning
this meeting in, meeting out, and, you know,
nothing is done. Again, competition is good.
We're a one-party town, sad but true. And
irrespective of other states, I'm concerned about
D.C. This is what the meeting is about.

MEMBER GILL: Mr. Sindram, I thank
you. Good comments, but I think you should
direct them to your local party folks, not to the
Board of Elections.

MR. SINDRAM: I'm directing it to you.
You're a party member on the Board, and so I got
your ear, you know. And getting the runaround is
counterproductive. Remember, Mr. Gill, and the
rest of you all, freedom is not free. It's
because we veterans put our life on the line for
due process and fundamental fairness. And
Chairman Bennett, you've repeatedly said you
encourage to vote, it's crucial, it's critical.
It is. You recall Hitler gained power by merely
the vote of one. Votes count and competition is
good, and we don't have any competition --

CHAIR BENNETT: Mr. Sindram --

(Simultaneous speaking.)

CHAIR BENNETT: Mr. Sindram, can you
hear me?

MR. SINDRAM: I can hear you.

CHAIR BENNETT: Okay. Thank you so
much for your comments. Your three minutes are
up.

Do we have anybody else who would like
to make a comment? Mr. Slaughter? I think
you're on.

(Simultaneous speaking.)

MR. SLAUGHTER: Yes. I'm good now.
I just didn't call in to hear a political speech,
so, thank you.

CHAIR BENNETT: All right. Thank you.
Anybody else want to make a comment in public
matter?

(No response.)

CHAIR BENNETT: I don't see anybody
else. Got one more? Okay. We've unmuted --
what number is that? We've unmuted 202-355 if
you have any comments. Okay, maybe not. I don't
see any additional comments. If we missed
anybody, my apologies.

So, public comments are over, and
we're going to move into the nominating petition
challenge hearings.

Ms. Stroud, can you move us through
this?

MS. STROUD: Sure. So, the first item
on the docket for the nominating petition
challenge hearings will be Cheryl Moore v.
Anthony Muhammad. And so I'd like to -- if you
can state the -- Cheryl Moore and Anthony
Muhammad, I'm trying to see if they're present.
Are you -- so I need the first six digits of your
telephone number, including the area code, so
that we can identify you.

(Simultaneous speaking.)

CHAIR BENNETT: If other people can
mute, that would be great. We're going unmute
everybody but if you would --

(Simultaneous speaking.)

CHAIR BENNETT: There's a lot of
background noise. If you could mute yourself if
you're not either Ms. Moore or Mr. Muhammad,
please.

(Simultaneous speaking.)

CHAIR BENNETT: Ms. Moore is speaking.

MS. MOORE: Hello. Can you hear me?
CHAIR BENNETT: Yes. Now we can hear you, Ms. Moore. Okay. We got Ms. Moore.

MS. STROUD: Okay.

CHAIR BENNETT: What about Mr. Muhammad?

MR. MUHAMMAD: Anthony Muhammad. I'm on also.

CHAIR BENNETT: All right, all right.

MS. STROUD: Thank you.

CHAIR BENNETT: Thank you so much. My apologies, folks, because I know it's very frustrating for you. It certainly is for me. So my great gratitude for your patience in walking through this. Thank you. Okay.

MS. STROUD: So the first item is Cheryl Moore v. Anthony Muhammad, who was a candidate for Advisory Neighborhood Commissioner in Single Member District AE02. So I'm going to have the parties first identify themselves for the record stating their name and address. Ms. Moore, if you could go first?

MS. MOORE: Okay. Cheryl Moore, 1882
Alabama Avenue, SE.

MS. STROUD: And Mr. Muhammad?


MS. STROUD: Okay. So how we're going to proceed with each matter is that I'm going to have the registrar voter give her preliminary determination report. Then I'm going to have the parties respond to the registrar's findings. And then I will make a recommendation to the Board as to how they should move. The Board may decide to go into Executive Session to deliberate, but I think -- at the end of that?

CHAIR BENNETT: Yes. What I'd like to do is to ask for, I'll say, a motion and a vote to go into Executive Session after we hear all the matters, and then we'll make decisions and then return. So we won't do them one at a time. We'll take all the testimony and then we'll go into Executive Session after that. So, thank you, Ms. Stroud.

MS. STROUD: Okay. So the registrar
voters for -- a representative from the Office of the Registrar Voters will read the preliminary determination report, and then the parties will have the opportunity to respond. Thank you.

MS. SMITH: Good morning. My name is DeAnna Smith, and I am going to read the registrar findings. On July 16, 2020, Anthony Muhammad submitted nominating petition to appear on the ballot as a candidate in the November 3, 2020 general election for the office of Advisory Neighborhood Commissioner for Single Member District 1802. The minimum requirement to obtain ballot access for this office is 10 signatures of District voters who are duly registered in the same SMD as the candidate. The petition contained 20 signatures. The petition was posted for public inspection for 10 days as required by law.

The petition was challenged on August 17, 2020 by Cheryl Moore, a registered voter in the District of Columbia. Ms. Moore filed challenges to 12 of the 19 signatures submitted
enumerated by line and page number on individual challenge sheets filed for each petition page. The signatures were challenged were pursuant to 503 DCMR Section 1607.1 of the Board's regulations.

My review of the challenges indicates that 4 of the 12 challenges are valid. Two are valid because the signer is not registered to vote at the address listed on the petition at the time the petition was signed, and two are valid because the signers are not registered. This leaves the candidate's nominating petition with 15 signatures, 5 signatures over the number required for ballot access. Thank you.

MS. STROUD: Ms. Moore, do you have any response?

MS. MOORE: Yes. When we had our first meeting, they said 14; how it's 15 now?

MS. STROUD: It's just 15 that will be --

MS. MOORE: I can't hear.

MS. STROUD: (Audio interference) The
matter is on 15. I sent you the report last night.

MS. MOORE: What you say? You sent it to me last night?

MS. STROUD: Ma'am.

MS. MOORE: I can't hear you.

(Audio interference)

MS. MOORE: It's --

(Simultaneous speaking.)

MS. STROUD: -- indicated that she sent you the report last night.

MS. MOORE: I didn't receive a report last night. That's what I was saying, is when we last spoke, she was saying he had 14.

MS. STROUD: Yes. As I just indicated (Audio interference). I'm sorry, Ms. Moore but it was my math that was off. The --

MS. MOORE: Okay.

MS. STROUD: -- it was 15 signatures, not 14.

MS. MOORE: So he had 15?

MS. STROUD: Yes, ma'am --
MS. MOORE: Okay.

MS. STROUD: -- which is five --

MS. MOORE: So --

MS. STROUD: -- over the number required for ballot access, Ms. Moore.

MS. MOORE: Okay -- okay, but my other question I had, did she write it down about me being the ANC already in the seat, and I had on my petition reelect, and he's passing off a petition saying reelect him.

MS. STROUD: Ms. Moore, that is not before the Board right now. It's just the matter of the nominating petition challenge.

MS. MOORE: Okay. Thank you. Have a nice day.

MS. STROUD: Okay. So the recommendation would be that Mr. Muhammad be granted ballot access in this matter.

MS. MOORE: Okay. Okay, fine.

CHAIR BENNETT: All right. Ms. Stroud --

MS. STROUD: Mr. Muhammad, did you
want to say anything?

MR. MUHAMMAD: No, ma'am.

MS. STROUD: Okay. Thank you.

CHAIR BENNETT: Next matter.

MR. MUHAMMAD: Thank you.

MS. STROUD: So the next matter is Cheryl Moore v. Bruce Jones, who is a candidate for Advisory Neighborhood Commissioner in Single Member District AE02. Ms. Jones, are you on the line?

MR. JONES: Yes, ma'am.

MS. STROUD: Raise your hand if you're on the line.

MR. JONES: I'm sorry, what was that?

MS. STROUD: Okay. I see you, Mr. Jones. If you could state your name and address for the record?

MR. JONES: My name is Bruce Jones. I reside at 1807 Tobias Drive, SE, Washington, D.C.

MS. STROUD: Okay. Thank you.

Registrar voters, can you please read the
preliminary determination report?

MS. SMITH: Yes. Thank you. On July 15, 2020, Bruce Jones submitted a nominating petition to appear on the ballot as a candidate in the November 3, 2020 general election for the office of ANC for SMD8E02. The minimum requirement to obtain ballot access for the office is 10 signatures of District voters who are duly registered in the same SMD as the candidate. The petition contained 10 signatures. The petition was posted for public inspection for 10 days as required by law.

The petition was challenged on August 17th by Cheryl Moore, a registered voter in the District of Columbia. The petition contained 20 signatures. Ms. Moore filed challenges to 3 of the 10 signatures submitted and enumerated by line and page number. Challenge sheets were filed for each petition page the signatures were challenged pursuant to DCMR 3 DCMR 1607.1 of the Board's regulations.

My review of the challenges indicate
that zero of the three challenges are valid.
This leaves the candidate's nominating petition
to 10 signatures, the number required for valid
access.

MS. STROUD: Okay. Ms. Moore, did you
have any thoughts?

MS. MOORE: No. I'm fine.

MS. STROUD: Okay. Thank you. So it
will be my recommendation to the Board at this
instance that Mr. Jones be granted ballot access
as he has met the minimum number required for
ballot access.

Mr. Jones, do you have anything to say
for the record?

MR. JONES: No. Good luck to Anthony,
and good luck, Cheryl. I don't know, I just
think this is completely baseless and obviously,
Ms. Moore does not want to campaign or actually
have a democratic election, but that's it. Thank
you.

CHAIR BENNETT: Okay. Next matter.

Thank you, Mr. Jones.
MS. STROUD: The next matter is Michael Eichler v. Mary Sutherland, candidate for Advisory Neighborhood Commissioner and Single Member District 6E01. Mr. Eichler, I see you on the line. If you could state your name and address for the record?

MR. EICHLER: Yes. My name is Michael Eichler, address is 806 Rhode Island Avenue, NW, Apartment 1.

MS. SUTHERLAND: So I can keep going?

MS. STROUD: Ms. Sutherland, are you on the line? Mary Sutherland?

(Audio interference)

MS. STROUD: If you could raise your hand by pressing star 3, Ms. Sutherland.

(Audio interference)

MS. STROUD: Ms. Sutherland?

MS. SUTHERLAND: Yes, ma'am.

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

MS. SUTHERLAND: Yes. Mary Sutherland, 1520 Eighth Street, NW, Washington,
MS. STROUD: Okay. So the registrar
voters representative will read the preliminary
determination report into the record.

MS. SMITH: Yes. Thank you. On July
30, 2020, Mary J. Sutherland submitted a
nominating petition to appear on the ballot as a
candidate in the November 3, 2020 general
election for the office of ANC for SMD6E01. The
minimum requirement to obtain ballot access for
this office is 10 signatures of District voters
who are duly registered in the same SMD as the
candidate. The petition contained 10 signatures.
The petition was posted for public inspection for
10 days as required by law.

The petition was challenged on August
14th by Michael Eichler, a registered voter in
the District of Columbia. Mr. Eichler filed
challenges to 10 of the -- 2 of the 10 signatures
submitted enumerated by line and page number on
individual challenged sheets filed for each
petition page. The signatures were challenged
pursuant to Title 3 DCMR Section 1607.1 of the
Board's regs.

My review of the challenges indicate
that two signatures are valid; one of the
challenges are valid because the signer is not
registered to vote at the address listed on the
petition at the time the petition was signed; and
one is valid because the signer is an inactive
geroter. This leaves the candidate's nominating
petition with eight signatures, two signatures
below the number require for ballot access. The
registrar of voters received two change of
address forms from Mary J. Sutherland on Monday,
August 24, 2020. After validating the two change
of address forms, one is valid because the signer
was deemed inactive; and one change of address
form. Candidate Mary J. Sutherland was credited
with one signature that had initially been
determined to be invalid.

This leaves the candidate's nominating
petition with nine, signatures, one signature
below the number required for ballot access.
Thank you.

MS. STROUD: Okay. Ms. Sutherland, your response?

MS. SUTHERLAND: Yes. I would like very much to respond and disagreement with the address in regards to Mr. Eugene Brisbon. He's the one that is in question, and the address during that time that was in question was a 1705 Eighth Street address. It was listed under Apartment 204. The address itself, the building address is correct, but the apartment number, 204, was incorrect, as I was told. It was put through with his handwriting. That is not a problem, but he has lived at this 1715 all the way through up until the current address that was posted on August the 24th and stamped by the Board of Election on August 24th.

I would also like to state that in 2018, Mr. Eugene Brisbon was listed at that time on the registered voters list at the same address of 1715. He's still in the Single Member District. Upon completing my petition, the
address of 803 R Street, Apartment 103 was listed, and that was due to the move. And once again, he is still in the same Single Member District. He should be credited for this 803 for this period of 2020.

I was being told that by last voting in 2016 that he has been inactive. This is 2020 so you're looking at '16, '17, '18, '19, technically which is three years; 2020 will carry him in the fourth year which he has applied and put through that address change within the period if the fiscal year for 2020 ends on September the 30th of 2020. So he would be obligated and should be credited for this address even though it has been stated to me, to no avail, that he was inactive. He never moved from that 1715 address. The only thing that was different was the apartment number, and Ms. Jennings went as far back as 2014 to let me know twice it was in his handwriting, so I can be seeing that okay, he made a mistake, but he never lived out of the Single Member District. He was still at 1715
Eighth Street, the same apartment building. Only the apartment number was incorrect, and I feel that -- and this is me personally, as is stated in number 9, signer does not appear in the voter rolls of Single Member District 6E01, but he was on the roll in 2018. Of course, he would not be on that roll list for 2020. I didn't receive a copy of it, but I can assume, but 2018 he was with the same address of 1715 Eighth Street. The apartment number only was incorrect.

I rest my case in that area, but can I have the opportunity to say something, please?

Hello.

MS. STROUD: Is it related to the challenge, Ms. Sutherland?

MS. SUTHERLAND: Yes.

MS. STROUD: Sure, go ahead.

MS. SUTHERLAND: I would only like to say that upon my pre-hearing on the 24th, which sort of disturbed me because at one point, I had said, you know, I can't go through this, you know, for something over an address. But when
you are constantly being told and you are
requesting the hearing for September the 2nd, but
each time -- I requested that meeting three
times, and each time, I was told, Well, you can
have that hearing, but he, whoever he was, will
go along with my finding. This was told to me
three times, so it kind of disturbed me. I feel
that it was inappropriate to schedule the person
and don't worry about the rest. So what this is
saying to me, you can -- I can disagree with you
and I'm still following through on the address,
which is I feel that is right, because this man
has been in the same Single Member District. But
to tell me that you can have it and it's fine,
but he's going to go along with my finding, I
find that as being inappropriate. You just
schedule a person. You don't have to go that
far. This is why sent the letter saying that
after, you know, consideration, I need to have
this hearing, but in the meantime, other than
that, I want to say thank you so much.

MS. MILLER: Thank you, Ms.
Sutherland. So the essence of what I think I heard is that Mr. Brisbon was determined to be inactive the by the registrar of voters?

CHAIR BENNETT: Yes.

MS. MILLER: And that -- so in light of that, if he wasn't active at the time that he signed, that signature is invalid, and the Board regulations make that clear as does the statute.

MS. SUTHERLAND: Okay. May I ask, please, how can that be if the fiscal year ends the 30th of September? He's active as of September; his address was put through on August the 24th within that same year, so the year had not --

MS. MILLER: But when he signed --

MS. SUTHERLAND: -- ended.

MS. MILLER: -- the petition, he was not active.

MS. SUTHERLAND: Excuse me?

MS. MILLER: Continue, Ms. Sutherland.

MS. SUTHERLAND: I didn't hear you,

I'm sorry.
MS. MILLER: You can continue. I'm sorry for interrupting you.

MS. SUTHERLAND: I was just saying it is still active because it is in the same year. The fiscal year ends at the end of September. He is still in this year, the beginning of the year, because he filed on August the 24th with the current address. I understand about him being inactive but see, this is a discrepancy that I have because I'm looking at the apartment number, address he was in at the time, never left the Single Member District. But with that current address and still being within that year, that he should be credited for that address, because he applied within the -- before the year ended.

CHAIR BENNETT: Thank you, Ms. Sutherland. I think we understand your point, and it's a good point, so thank you. We'll certainly consider that when we deliberate on the matter.

MS. SUTHERLAND: All right. I want to thank you so much, and I want to thank you for
listening, giving me the opportunity to say what
I feel was right. I go with what is right, yes.

CHAIR BENNETT: We appreciate it, Ms. Sutherland. Does Mr. --

MS. MILLER: Mr. Eichler is on the line. Mr. Eichler, do you have any comments.

MR. EICHLER: Yes, sure. I think what the crux of the matter is that this signature of 10 that has deemed to be invalid due to an inactive voter status, the real question is why is that voter inactive? And I don't have that person's voter record. I don't understand how that person went from active to inactive. I believe it's a four-year window, that if you don't vote within four years, that you become inactive. It hasn't been four years since the general election in 2016, so it's possible that he only voted in the primary in 2016 and then failed to vote in the general, and that would make him two years inactive, because according to the conversation during the pre-hearing conference, there was no voter record for him
voting in 2018. So the real question is how did this voter go from active to inactive. The issue with the address, I believe, is some concern that if he was registered at one address but actually lived in another, that he would not be receiving the BOE reminder notices and letters saying, hey, we miss you; we want you to registered, because they would have been going to the wrong address.

But in reality, like if he registered at the wrong address, that's his fault, and that if Ms. Sutherland chose to use his signature as part of her 10, then in fact, like there are plenty of tools available -- made available by BOE to validate the signatures before you submit them, and that validation process I did on behalf of my own personal signatures that I submitted and identified a handful that were invalid. And I ensured that I had multiple to get well over the threshold.

And on some level, you know, we can argue over this one signature, but Ms. Sutherland had the tools to research whether her 10
signatures were valid and find an 11th in case
one of them was invalid, and she did not choose
to move -- to perform that action to ensure that
she was submitting 10 valid signatures. But
again, the real question comes back to why was
this one person moved from active to inactive.
Was that movement, was that switch to inactive
valid, and do we have records from that one
person to indicate that perhaps, yes, he did fail
to vote in the general election in 2016, which
would be why it's now been more than four years
since his last voting activity.

MS. STROUD: Well, just to answer, I
guess, the general question, Mr. Eichler, it's
not simply a matter of not voting. It's not
refined to a particular notice and not voting and
two subsequent federal elections. So that would
have led to inactive, so if he's inactive, it was
because of that reason, not simply failure to
vote in elections. It was failure plus lack of
corresponding with the Board prior to that
timeframe. So Ms. Jennings, are you on the
MS. SUTHERLAND: While you're waiting -- this is Mary Sutherland again, if you don't mind while you're waiting. I'm speaking with -- on Mr. Michael when he said -- stated that I could have used my tools to check the people out. I saw no reason to do any checking with the signatures that I have, reason being for each time that I run and do a petition, these are people that always sign my petitions with no problem. So there was no reason for me to do anything special, because I was sure of it because I deal with them every time. I run every two years; haven't won, though, but I run every two years, and I've never encountered a problem. But Mr. Michael, I want to thank you for what you said, because you are absolutely correct. When it comes down to the address, this year would be the fourth, but his address was put through within this year of 2020. But I want to say thank you, Mr. Michael.
MR. EICHLER: Sure.

MS. SUTHERLAND: And thank you all --

MR. EICHLER: And I guess what it comes down is if the address that was submitted on the voter registration originally was incorrect, then he may not have received the notifications and the correspondences to which he has not responded --

MS. SUTHERLAND: He did not --

MR. EICHLER: -- and the question then becomes --

MS. SUTHERLAND: -- receive it.

MR. EICHLER: -- then the question becomes like --

(Simultaneous speaking.)

MR. EICHLER: -- how did the address --

MS. SUTHERLAND: -- because it was incorrect.

MR. EICHLER: Sorry. Only one person can speak at a time --

MS. SUTHERLAND: Oh, I'm so sorry.
MR. EICHLER: -- on this format. It's very hard when multiple people are speaking.

MS. STROUD: We're going to hear --

MR. EICHLER: And so -- and I'm --

MS. STROUD: -- we're going to hear from first the Office of the Registrar and then Ms. Jennings who will speak to the findings or their research regarding the inactive status of the voter at question. DeAnna, you can go first. Go ahead.

MS. SMITH: Can you hear me? Yes. This is DeAnna Smith, Office of the Registrar. Yes. To respond to the inactivity of Mr. Eugene Brisbon, I can contest that the -- it started in 2016, he did vote in the last few elections, and he did not vote in the 2016 general election, and there was no activity with any type of responses to him to verify his address and to verify his voting activity.

MS. MILLER: And actually, let me correct my previous statement. There is the notice -- no response to notice to federal
elections that leads to removal, but after the
particular notice, which is referred to as a D2
notice, it says -- and there's not response
within a certain timeframe, that triggers
inactivity. So it's no correspondence with the
Board and no voting, no activity so that the
Board can determine your address. And then once
we send out particular postcards, which we send
out when we conduct our biennial canvass, which
is when we mail cards to people who have not
voted in a particular general election -- we send
postcards, and if there's no response, they go on
the inactive list. And then after two federal
elections, that leads to the removal of the voter
(Audio interference). So inactivity is triggered
early, and so that's why he would have been made
inactive. And so Ms. Jennings, if you could
speak to --

(Audio interference)

PARTICIPANT: Okay.

PARTICIPANT: I unmuted.

MS. JENNINGS: Hi. So we have --
CHAIR BENNETT: Ms. Jennings (Audio interference) right here.

MS. JENNINGS: Yes. Good morning, everyone. Terrica Jennings. We checked that signature during our pre-hearing conference, and what was missed that was that Mr. Brisbon had not voted since 2016. In addition to that, several notices had gone to his -- the address he had listed on file. It was written in his address -- in his handwriting rather -- on his voter registration application, and he had not corresponded with the Board over several years. So he was deemed inactive.

Yes. So he had been deemed inactive at the time the notice was sent. And I know the concern that Ms. Sutherland had was that it was written error on the Board's part or that the Board had made some type of administrative error when we entered his address, but the address that the Board had on file was the exact same address that was listed on his voter registration application, which is also written in his
handwriting, so there was not an error on the Board's part.

MS. MILLER: Thank you, Ms. Jennings. So having heard the statements of the parties and the testimony from the Board staff, I would recommend to the Board that Ms. Sutherland be denied ballot access for not having met the requisite signature requirements.

CHAIR BENNETT: Okay. We'll take that recommendation into consideration, and address them when we make deliberations in an Executive Session. Next item. Thank you to the parties. Next item, Ms. Stroud?

MS. STROUD: The next item --

MR. EICHLER: Thank you.

MS. STROUD: -- is Kathy Henderson v. Sabrina Rhodes, Advisory Neighborhood Commissioner at Single Member District 5D01. Ms. Henderson, are you present on the phone?

CHAIR BENNETT: Her number --

MS. STROUD: If you could raise your hand?
(No response.)

(Audio interference)

PARTICIPANT: Sebrena Rhodes is on.

I see her.

MS. RHODES: I'm here.

CHAIR BENNETT: Ms. Rhodes, are you on? Can you --

MS. RHODES: I'm here.

CHAIR BENNETT: Okay, great. And Ms. Henderson?

(No response.)

MS. STROUD: Well, Ms. Henderson does not appear to be on the line.

CHAIR BENNETT: Can we unmute everybody to see whether or not there's any -- I'm sorry to do this but --

(Audio interference)

MS. RHODES: Okay, I'm here.

CHAIR BENNETT: Ms. Rhodes, you're here?

MS. RHODES: I'm here.

CHAIR BENNETT: Okay. We're trying to
see if Ms. Henderson --

(Off record comments.)

CHAIR BENNETT: Ms. Henderson is going to gradually come back in, so apologies for the delays, Ms. Rhodes, and thanks for your patience. We're just trying to make sure we're able to connect with the parties.

MS. RHODES: Okay. No problem.

CHAIR BENNETT: Thank you.

MS. HENDERSON: Good morning. Kathy Henderson here. I had technical difficulty and had to switch to an iPhone format.

CHAIR BENNETT: We can hear you, Ms. Henderson. MS. Stroud, do you want to --

MS. STROUD: Yes. Ms. Henderson, if you could state your name and address for the record?


MS. STROUD: And Ms. Rhodes, if you could state your name and address for the record?

MS. RHODES: Sebrena Rhodes, 1854
Central Place, Washington, D.C., 20002, Unit 2.

MS. STROUD: Okay. And Ms. Rhodes, you are a candidate for Advisory Neighborhood Commissioner in Single Member District 5D01, correct?

MS. RHODES: Correct.

MS. STROUD: Okay. Ms. Wilson-Smith?

MS. SMITH: Yes. Thank you. My name is DeAnna Smith and I'm going to read the report of the registrar. On July 27, 2020, Sebrena Rhodes submitted a nominating petition to appear on ballot as a candidate in the November 3, 2020 general election for the office of ANC for SMD 5D01. The minimum requirement to obtain ballot access for this office is 10 signatures from District voters who are duly registered in the same SMD as candidate. The petition contained 20 signatures. The petition was posted for public inspection for 10 days as required by law. The petition was challenged on August 17th by Kathy Henderson, a registered voter in the District of Columbia. Ms. Henderson
challenged 15 of the 20 signatures enumerated by line and page number on individual challenge sheets filed for each petition page. The signatures were challenged pursuant to Title 3 DCMR Section 1607.1 of the Board's regulations.

My review of the challenges indicate that 7 of the 16 challenges are valid; two are valid because the signers were not registered to vote at the address listed on petition at the time the petition was signed; two are valid because the signers were not registered; one is valid because the petition does not include the name of the signer where the signature is sufficiently legible; one is valid because the signature is not dated; and one is valid because the signer's voter registration was designated as inactive at the time the petition was signed.

This leaves the candidate's nominating petition with 13 signatures, 3 signatures over the number required for ballot access. Thank you.

MS. STROUD: Okay. Ms. Henderson, do
you have any response?

MS. HENDERSON: Yes. I bring my
challenge in furtherance of the Board rules to
maintain the integrity of the voting process, and
I reassert my challenge to Ms. Rhode's petition
beginning with page 2, the -- I challenge number
3, 4, and 7.

Regarding number 3, the date was
incomplete. In fact, the date was likely
missing, and Ms. Rhodes filled in the partial
date when she turned in the petition, because all
of the signatures after that are with -- reflect
the previous date.

With regard to number 4, Ted Brown,
it's the same issue. The date was incomplete
which Ms. Rhodes appeared to have filled in when
she turned in her petitions on the 24th, but she
didn't put the full date. And the signature on
file for Mr. Brown does not match.

And with regard to number 7, Ms.
Satiya Price, Ms. Rhodes did not -- I challenge
it on the basis of the wrong address. The Board
of Elections rule that that is accurate, that she is registered. They didn't provide the information that she's registered at that address, and Ms. Rhodes did not present an address change form for that particular voter. So I reassert my challenge to her nominating petition outlining the three signers, or alleged signers that I just enumerated.

MS. STROUD: Okay. Ms. Rhodes?

MS. RHODES: Yes. Well, the issues that she's bring up today, she didn't bring up yesterday in the preliminary hearing. She got the email of the signatures to match with what on my petition and no, I did not fill in anything but my name and the date.

MS. STROUD: Okay. We'll now move to representative on the voter services division --

MS. HENDERSON: May I say something?

May I respond?

MS. MILLER: Once we hear the registrar of voters' determination or their response to the statements that you both made.
PARTICIPANT: Okay. So --

(Audio interference)

PARTICIPANT: -- to a Ted Brown and --

MS. MILLER: So I just want to confirm, Ms. Henderson, that you said page 2 on the signatures you identified were --

MS. HENDERSON: Three, four, and seven, and I did assert my -- the same challenge initially and during the pre-hearing, so Ms. Rhodes is incorrect.

(Audio interference)

MS. MILLER: So Ms. Henderson, your complaint is that his signature was incomplete and that Ms. Rhodes wrote in the date, the party date?

MS. HENDERSON: Let me repeat so that it is clear. Number -- page 2, number 3 in my original challenge and my reassertion, the signer for number 3, Carl Johnson, the date is incomplete, and it appears to have been added by Ms. Rhodes when she -- that's the likely scenario, because all of the signatures after
those signers was at the previous date. So I'm assuming, and maybe it's wrong, but I think it's a correct assumption that Ms. Rhodes likely filled in that partial date when she turned in her petition, because that -- why would the person sign on -- with the wrong date? I mean you have a couple of people that -- well, it's possible that three people signed with the wrong date, but it's not probable.

MS. RHODES: Okay. Well, can I speak?

MS. MILLER: You're muted. Okay. Ms. Rhodes?

MS. RHODES: Yes.

MS. MILLER: You said you wanted to say something?

MS. RHODES: Yes. I want to speak.

I want to speak --

MS. MILLER: Go ahead.

MS. RHODES: Okay. Yesterday we had the preliminary hearing. Ms. Henderson didn't mention any of this, and now she's accusing me of putting dates on my petition, which I did not.
We did not have this discussion yesterday, and she's making up things, and she's adding stuff to this hearing that's wasting all of our time. She's adding things to it that we did not talk about yesterday and again, whoever signed the petition, they signed and dated. And she has the email of the signatures that she wanted to match. The only thing she wanted to match was the signatures, and that was it. I have a check here of the names that she was concerned about. Now stakeholders are bringing additional information today, again, wasting my time.

CHAIR BENNETT: Okay. We have have -- we can hear from the registrar right now.

MS. SMITH: Hi. This is DeAnna Smith from the -- representing the registrar of voters. So I can contest that the issue with the dates were not mentioned in yesterday's pre-hearing. The dates mentioned, again, was not mentioned in yesterday's pre-hearing, and the signature for -- on page 2, line 3, that was not one of the signatures that Ms. Henderson wanted access --
wanted a second copy yesterday. She had a list of names and lines, and number 3 was not one of the signatures that she asked for another copy. Now line 4, Mr. Kenneth Brown on Central Place, was sent to Ms. Henderson yesterday, and myself and the registrar of voters deemed that the signature matches the -- I'm sorry, the signature on the petition matches the signature on file.

Thank you.

CHAIR BENNETT: Okay. Ms. Stroud, can you make a recommendation?

MS. HENDERSON: I'd like to --

MS. STROUD: I recommend that --

MS. HENDERSON: -- I'd like to respond

-- I'd like to respond.

MS. STROUD: -- Ms. Rhodes be granted ballot access in light of the fact that she has 13 signatures and the testimony that we heard today regarding the signatures. I would note for the record that it is okay for the candidate to fill in the date if that's what happened. It didn't, then that's fine. But if it did, that
would not be a defense to invalidate the
signature.

CHAIR BENNETT: Okay. We heard the
testimony from the parties. We'll take it under
consideration in the deliberations. Thank you to
Ms. Rhodes and Ms. Henderson. Can we have the
next matter, Ms. Stroud?

MS. STROUD: Sue. It is Kathy
Henderson v. Bernice Blacknell, a candidate for
Advisory Neighborhood Commissioner in Single
Member District 5D04. Ms. Blacknell, are you on
the line?

MS. BLACKNELL: Yes. Can you hear me?

CHAIR BENNETT: Yes.

MS. STROUD: Yes, I can. If you could
just state your name and address for the record,
please.

MS. BLACKNELL: My name is Bernice
Blacknell. I live at 2114 I Street NE, Apartment
103, Zip Code is 20002.

MS. STROUD: All right. Thank you,
Ms. Blacknell. And we'll hear from the office of
the registrar of voters.

MS. SMITH: Yes. Again, this is DeAnna Smith representing the registrar of voters and reading the findings. On July 20, 2020, Bernice Blacknell submitted a nominating petition to appear on the ballot as a candidate in the November 3, 2020 general election for the office of ANC, SMD 5D04. The minimum requirement to obtain ballot access for this office is 10 signatures of District voters who are duly registered in the same SMD as candidate. The petition contained 20 signatures. The petition was posted for public inspection for 10 days as required by law.

The petition was challenged on August 17th by Kathy Henderson, a registered voter in the District of Columbia. Ms. Blacknell filed -- sorry -- Ms. Henderson filed challenges of 14 of the 20 signatures submitted enumerated by line and page number on individual challenge sheets filed for each petition page. The signatures were challenged pursuant to Title 3 DCMR 1607.1
of the Board's regulations.

My review of the challenges indicate that 9 of the 14 challenges are valid; five are valid because the signers were not registered to vote at the address listed on the petition at the time the petition was signed; two are valid because the signers were not registered; and two were valid because the circulator failed to complete all required information in the circulator's affidavit.

This leaves the candidate's nominating petition with 12 signatures, 2 signatures over the number required for ballot access. Thank you.

MS. STROUD: Okay. Ms. Blacknell?

MS. BLACKNELL: Yes.

MS. STROUD: Or Ms. Henderson?

MS. HENDERSON: Yes. I'd like to speak.


MS. HENDERSON: Hello.
CHAIR BENNETT: Yes. We can hear you, Ms. Henderson. Go ahead.

MS. HENDERSON: Thank you. I reassert my challenge to Ms. Blacknell's petition, and I reassert my challenge to page 1, line 4, Margaret Presson, that came up in the pre-hearing, and Ms. Smith, I believe, or Ms. Jennings, but either, that they would get additional information about that. Ms. Presson, on the face of the petition, the signature purporting to be Margaret Presson's says that the address is 807 21st Street NE. Ms. Presson's address is actually 809 21st Street NE, which is also reflected in the Board of Elections records, and the signatures do not match.

On page 2, signatures 1 and 2 appear -- I reassert that challenge. They appear to be written by the same person, and according to the Board of Elections records, Ruth M. Hall was deleted and not registered, and Douglas Hall, you know, the signatures were written by the same person, but one of these persons is registered, and that's Mr. Hall. So the other signature is
not valid. So I mean it's an issue of fraud which I reassert.

And finally, 43 percent of Ms. Blacknell's signatures are not valid, and they're not valid through a simple errors, just carelessly circulated the petition to people who are not registered, and there's no evidence that these people believe they were registered. And the Board has previously held that where there is an appearance or an overwhelming appearance of fraud, you know, they just threw out the petition as in Anthony Williams' petition. I think that was back in early 2000. It didn't mean the Board's decision didn't mean that every signature was fraudulent. It just meant that the majority of the signatures were fraudulent, and there was enough reason to question the validity of the circulating practice, and he was dismissed. And I think that the Board should apply that same decision here based on the Board's -- based on the Board of Elections registrar's findings and the fact that these matters are still unresolved
regarding Ms. Presson and Ms. Hall and Mr. Hall. And with that, I rest.

    MS. STROUD: Okay. Thank you, Ms. Henderson. Now we'll hear from the voter services division, the office of the registrar of voters.

    MS. SMITH: Ms. Henderson, with regard to Ms. Presson's signature, that is the one record. That's on page 1, line 4, and for page 2, lines 1 and 2, yes, they -- the couple (Audio interference) one person probably printed both names on the petition, but these are the signatures on file. And Ms. Hall is a registered voter. Her name is Ruth Mayo Hall. You weren't able to find her, but we were able to find her, and she is a registered voter.

    CHAIR BENNETT: Okay. Anything, ma'am?

    (Audio interference)

    MS. BLACKNELL: Okay. How about Mr. Evers Hall, they're husband and wife.

    MS. SMITH: Yes. Mrs. Hall is
properly registered, like it indicated. She
probably wrote the address in for both them, but
they both signed their own name on the petition.
That is --

MS. BLACKNELL: Okay.

MS. SMITH: -- both of their
signatures.

MS. BLACKNELL: Okay. Now how about
--

MS. SMITH: Ruth Hall and ---
(Simultaneous speaking.)

MS. BLACKNELL: Thank you. Okay. For
page 1, line 10, now on my petition, this man
signed his signature the way it is on my
petition, exactly the way it is on my petition,
so I did not forge anybody's name.

CHAIR BENNETT: Is that Ms. Blacknell?

PARTICIPANT: No, that's -- yes, Ms.
Blacknell.

CHAIR BENNETT: Okay.

MS. BLACKNELL: Yes, ma'am -- yes,
sir. I'm sorry.
CHAIR BENNETT: That's okay. Is there anything else you want to add, Ms. Blacknell?

MS. BLACKNELL: No, sir -- no, sir.

Oh, it's another thing, okay. There's renovation going on at Langston, so when my petition was signed, maybe some of the residents, you know, have been like moving or getting ready to move and everything. I'm not, you know, discriminating or anything like that, but I would appreciate not to be as forging anybody's signatures. I'm not that type of person. Kathy Henderson has a personal thing against me, and I'm sorry to say it that, you know, this --

CHAIR BENNETT: Ms. Blacknell --

MS. BLACKNELL: -- is no --

CHAIR BENNETT: -- Ms. Blacknell, --

MS. BLACKNELL: Okay. That's all I have to say.

CHAIR BENNETT: Thanks, Ms. Blacknell.

MS. HENDERSON: Yes.

(Simultaneous speaking.)

MS. HENDERSON: I'd like to reply.
CHAIR BENNETT: -- this out. I appreciate the time. Is there --

MS. BLACKNELL: Thank you -- thank you, sir.

CHAIR BENNETT: -- the registrar?

MS. BLACKNELL: Thank you.

MS. HENDERSON: I would like to respond.

CHAIR BENNETT: Thank you.

MS. BLACKNELL: Thank you, sir.

MS. HENDERSON: I would like to respond.

CHAIR BENNETT: Okay, Ms. Henderson, we'll give you a quick response, ma'am. Please try to keep it short.

MS. HENDERSON: Well, just briefly, this process is about the integrity of the voting process, and I think Ms. Blacknell's comments about a person vendetta, I think that's really inappropriate, and it really should be stricken from the record. If you hold yourself out for office, you should be able to read for
understanding. You should be able to follow the rules, and you should be check the status of the voters as indicated, because the Board also provides a master index of voters. So we shouldn't even be here if the petitioner took the time to actually read the rules, read the index, and follow the process. And I'm --

MS. BLACKNELL: Well, I did --

CHAIR BENNETT: Ms. Henderson, thank you so much.

MS. BLACKNELL: -- be here.

CHAIR BENNETT: The Board will not take any personal comments under consideration with regard to those that you mentioned. Thank you so much. Ms. Stroud, do we have a recommendation from the General Counsel?

MS. STROUD: Yes. Based on the information presented by the parties and Board staff, I would recommend that Ms. Blacknell be granted ballot access in the context of office of the Advisory Neighborhood Commissioner in Single Member District 5D04.
CHAIR BENNETT: We'll take the recommendation under consideration and consider that during deliberations. Next matter.

MS. STROUD: The next matter is Mr. John George v. Trupti Patel, a candidate for Advisory Neighborhood Commissioner in Single Number District 2A03. I see that --

MS. BLACKNELL: Thank you all very much.

MS. STROUD: -- (simultaneous speaking). Is Mr. John George on the line? Okay. I see you, Mr. George, and I see Patel. If you both just state your names and addresses for the record beginning with the challenger.

CHAIR BENNETT: Mr. George, can you state your name for the record?

MR. GEORGE: I am not the challenger.

CHAIR BENNETT: Oh, I'm sorry. The challenger is Ms. --

MS. STROUD: The --

CHAIR BENNETT: -- Patel?

MS. STROUD: Yes.
CHAIR BENNETT: Okay.

MS. PATEL: That is correct.

CHAIR BENNETT: Ms. Patel?

MS. PATEL: Yes. That is correct.

There was a misstatement on the agenda, so I was just waiting for you guys to clarify that. My name is Trupti Patel.

CHAIR BENNETT: Thank you. Sorry about that.


MS. STROUD: And Mr. George?

MR. GEORGE: Can you hear me? My name is John George at 915 26th Street NW.

MS. STROUD: Okay. Now we'll hear from the registrar of voters with respect to this matter.

MS. SMITH: Yes. Thank you. Again, my name is DeAnna Smith, and I am representing the registrar of voters in this matter. On July 29, 2020, John George submitted a nominating petition
to appear on the ballot as a candidate in the November 3, 2020 general election for the office of ANC, SMD 2A03. The minimum requirement to obtain ballot access for this office is 10 signatures of District residents who are duly registered in the same SMD as the candidate. The petition contained 20 signatures. The petition was posted for public inspection for 10 days as required by law.

The petition was challenged on August 17, 2020 by Ms. Trupti Patel, a registered voter in the District of Columbia. Ms. Patel filed challenges to 17 of the 20 signatures submitted enumerated by line and page number on individual challenge sheets filed for each petition page. The signatures were challenged pursuant to Title 3 DCMR 1607.1 of the Board's regulations.

My review of the challenges indicate that 4 of the 17 challenges are valid; four are valid because the signature is pre-dated. This leaves the candidate's nominating petition with 16 signatures, 6 signatures over the number
required for ballot access. Thank you.

PARTICIPANT: Thank you.

MS. STROUD: Okay. Thank you. Ms. Patel -- actually, Mr. George, do you have a response?

MR. GEORGE: I agree with the Board of Elections findings.

MS. STROUD: Okay. Ms. Patel?

MS. PATEL: Thank you. The reason why I asked to appear today is so when you look at Mr. George's petitions, page 1 and page 2, if you look at the bottom where it says the circulator's affidavit to be completed by the person, the printed area does not match at all compared to the page two. And actually, if you look at page 1, the handwriting matches actually to the person that is listed on line number 7. So if you look at the handwriting comparison from line number 7 to the printed area of the circulator on page 1, they actually match. And so I challenged every single signature on that petition and the other one on page 2, because I believe that the
circulator who signs did not actually indeed circulate the petition.

(Audio interference)

MS. STROUD: Yes. Ms. Patel?

PARTICIPANT: She just --

MS. STROUD: I'm sorry, Ms. Patel, the burden of proof is on you so do you have any proof that he didn't sign the petition? The signature matches what we have on file.

MS. PATEL: Okay. Well, yes, the -- her actual signature matches, but the printed affidavit part does not match. And while I can't without a doubt definitively prove it, there is definitely a question. I definitely -- this -- these petitions are definitely questionable, and I wanted that addressed appropriately before the Board to say that, you know what. I don't mind having an opponent run against me, but I don't condone cheating. The bar was set extremely low, and this is an attack on the democratic process and integrity of elections.

MR. GEORGE: This is John George, if
I could comment?

CHAIR BENNETT: Yes, please, sir.

MR. GEORGE: I think that Ms. Patel is taking this to a level that the Board agreed that this committee should not have to participate in. I do have my circulator on this call if the Board would like to talk directly with the circulator.

CHAIR BENNETT: If you'd like for your circulator to make a statement and you can do that quickly, that would be great. Thank you.

MS. LAMPTON: Hello.

MS. STROUD: Ms. Lampton?

MS. LAMPTON: Yes.

MS. STROUD: I would like --

MS. LAMPTON: Yes. Can you hear me?

MS. STROUD: So -- yes.

CHAIR BENNETT: Yes.

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

MS. LAMPTON: Susan Lampton, 2538 Queen Ann's Lane.

MS. STROUD: Okay. And if you could
swear or affirm that the testimony that you are
about to give is the truth, the whole truth, and
nothing but the truth?

    MS. LAMPTON: Absolutely.

    MS. STROUD: Do you --

    MS. LAMPTON: I swear.

    MS. STROUD: Okay. Thank you, Ms. Lampton. You can -- you may proceed.

    MS. LAMPTON: I'm sorry?

    MS. STROUD: You may proceed.

    CHAIR BENNETT: You can make your
statement, please, ma'am.

    MS. LAMPTON: I must say I totally
resent Ms. Patel accusing me of fraud. The
signature that she is questioning is my
husband's. I personally circulated this to all
the neighbors. This is her constituency, and she
is accusing us all of fraud. I'm just appalled.
I have signed an affidavit. I personally
circulated this. I personally saw everyone sign
this. I did make a mistake on the dates, and we
agreed those should be knocked off. I have
nothing else more to say than this is just fruitless.

CHAIR BENNETT: Thank you, ma'am. Can we get the recommendations of the General Counsel?

MS. STROUD: Yes. Based on the information of the parties and the registrar of voters as well as the testimony of Ms. Lampton, I recommend that Mr. George be granted ballot access in the contest for Advisory Neighborhood Commissioner in Single Member District 2A06.

CHAIR BENNETT: Thank you. We'll take the recommendation and the testimony under consideration in Executive Session. Next matter, please.

MS. STROUD: The next matter is Matt Buechner v. Lisa Cox, who is a candidate for Advisory Neighborhood Commissioner in Single Number District 3F07. Mr. Buechner, am I pronouncing your name correctly?

MR. BUECHNER: It's Matt Buechner.

MS. STROUD: Matt Buechner. Okay.
Thank you. Mr. Buechner, can you state your name and address for the record followed by Ms. Cox.

MR. BUECHNER: Sure. My name is Matt Buechner. My address is 3701 Connecticut Avenue NW, Apartment J1, Washington, D.C. 20008.

MS. STROUD: And Ms. Cox.

MS. COX: Hi. Yes. My name is Lisa Cox and my address is 3701 Connecticut Avenue NW, Apartment 240, Washington, D.C. 20008.

MS. STROUD: Okay. Thank you. And now we'll hear from the Voter Services Division.

MS. SMITH: Yes. My name is DeAnna Smith, and I'm going to read the registrar's findings. On July 20, 2020, Lisa Cox submitted a nominating petition to appear on the ballot as a candidate in the November 3, 2020 general election for the office of ANC, SMD 3F07. The minimum requirement to obtain ballot access is 10 signatures of duly registered voters in the same SMD as the candidate. The petition contained 10 signatures. The petition was posted for public inspection for 10 days as required by law.
The petition was challenged on August 17th by Matt Buechner, a registered voter in the District of Columbia. Mr. Buechner filed challenges of ten of the ten signatures submitted enumerated by line and page number on individual challenge sheets filed for each petition page. The signatures were challenged pursuant to Title 3 DCMR Section 1607.1 of the Board's regulations.

My review of the challenges indicate that zero of the ten challenges are valid. This leaves the candidate's nominating petition with ten signatures, the number required for ballot access. Thank you.

MS. STROUD: Okay. Mr. Buechner, do you have a response?

MR. BUECHNER: Yes, I do. Good afternoon and thank you for your time today.

While the Advisory Neighborhood Commission race is a small local election, it's important that we follow the established rules and processes to maintain fair elections to both the letter and the spirit of the rules. Further, an
understanding of compliance is essential for an ANC commissioner. The policy recommendations and actions taken by the ANC impact the daily lives of our neighbors and the future of our city.

As the challenging party, the burden of proof lies with me. I need to show you that Ms. Cox's actions violate the rules, yielding an insufficient number of signatures on her nominating petition, and I can do just that.

Ms. Cox's actions, or lack thereof, as it pertains to the signature by Ms. Sarah Appleton on line 5 of her nominating petition violate the rules and guidelines set forth by the Board of Elections. The circulator affidavit requires the circulator to, among other requirements, and I quote, personally witness the signing of each signature hereon. We know that Ms. Cox falsely signed this affidavit. In an email to me signed August 20, 2020, Ms. Cox admits that she did not personally witness the signature but rather Ms. Cox emailed the form to her, she filled it out with her name, address,
and the electronic signature, scanned it, and mailed it back. Ms. Cox goes further to say, technically, you are right. I did not physically witness her sign.

In her email, Cox goes on to discuss the new world in which we live related to the COVID-19 pandemic and social distancing. But the Board of Elections has already accounted for this with the reduction of required signatures from twenty-five to ten to be listed on the ballot in November. This exact issue was addressed in guidance from the Office of ANC Executive Director Gottfried Simon on July 29th via email to candidates. Mr. Simon noted that the petition circulator must physically see the signature occur in order to be valid. He even goes so far to suggest videoconferencing and recommends that a distant petition signer acts as their own circulator, an option that is outlined in many petition circulator instructions. Ms. Cox did neither of these.

The burden to fulfill ten required
signatures is the same on both parties. We must both have ten legally compliant signatures. I got mine by talking to constituents, my friends, and strangers who turned out to be housing policy experts, former ANC commissioners, a couple with a brand new puppy, renters and home owners, long-term residents, and students new to the neighborhood to attend Howard Law, voters disbursed throughout our Single Member District.

In her email to me and in yesterday's pre-hearing conference, Ms. Cox asserted that her virtual correspondence with Ms. Appleton meets the spirit of the issue to ensure that signatures are not forged, yet the rules we have been tasked to follow are the bedrock of our democracy. Petition circulators must physically see a signature for political races for ANC commissioner all the way up to President of the United States. As such, it's imperative that we follow both the spirit and the letter of the law.

By Ms. Cox's own admission, the signature of Ms. Appleton does not meet the
requirements of a valid signature for a
nominating petition. I ask that this body follow
the rules and processes set forth for valid
access and that the signature of Sarah Appleton
be deemed non-compliant and ineligible to be
counted for Ms. Cox's ten required signatures.
With this ruling, Ms. Cox does not meet the
burden of ten legally compliant signatures on her
petition, and I ask that her name not be listed
on the November 3rd ballot for ANC 3F07. Thank
you.

CHAIR BENNETT: Thank you, Mr. Buechner. Ms. Cox.

MS. COX: Hi. Yes, thanks. Matt is right that I did not personally witness Sarah
sign. What happened was Sarah went into
quarantine because of COVID, and -- but she
wanted to sign the petition. So I emailed it to
her and she signed it right away, scanned it, and
sent it right back. And I kept the email
exchange as proof that -- I think Matt, he
touched on it -- there's the spirit of the law of
witnessing, which is to ensure that the person who's signing it is indeed the person they purport to be and that it's not forged. And this exchange with Sarah is, in effect, doing that. It is me witnessing her that she is actually the person signing it. I tried to resolve this. Matt called into question all my signatures because he thought they might all be forged, or he said cut and pasted. And I tried to resolve it with him and assure him that everybody who signed would be willing to contact him and let him know it was actually them. But -- and Sarah yesterday appeared at the pre-hearing with the signature in question to also testify that -- what happened and why she wasn't able to see me in person.

And so I would just request that, you know, we do actually follow the spirit of the rule, and I would say that I did actually comply with that spirit. And that we are living --

CHAIR BENNETT: Thank you, Ms. Cox.

MS. COX: -- in very difficult times.
CHAIR BENNETT: Thank you, Ms. Cox.

MS. STROUD: What I'm going to have at this time is have my staff attorney, Kate Munoz, address the matter. Ms. Munoz.

MS. MUNOZ: -- Office of General Counsel at DC Board of Elections. Terri, can you just confirm that you can hear me?

MS. STROUD: I can hear you, Kate.

Thank you.

MS. MUNOZ: Thank you. So I guess two matters related to this; one, as you just heard, Ms. Appleton did appear at our pre-hearing meeting yesterday, and the parties agreed to stipulate the fact that she appeared, that she testified that she received Ms. Cox's petition electronically, she signed the petition, and transmitted it back to Ms. Cox via email. So the parties agreed to that fact and agreed that, you know, if Ms. Appleton were here today, she would testify to that but given there was agreement on the facts there, perhaps there's not a need for her to appear.
Further, as to the question of the applicable rules, I've included in the written record for the Board a copy of the District of Columbia Municipal Regulations at 1607, validity of signatures. At 1607.1(i), I'm going to read the -- what I believe is the relevant language. It says, these marks -- the marks that a person signing the petition makes -- shall not be counted as valid signatures unless the persons witnessing the mark shall attach to the petition affidavits that they explained the contents of the petition to the signatories and witnessed their remarks. That is all I have for now unless there are more questions I can help the Board with.

MS. STROUD: Thank you, Ms. Munoz. So I would raise 1602.3 of the Board's regulations with respect to my recommendation. I would recommend that the signature be invalidated pursuant to 1602.3, which indicates that you have to personally witness the signing of each signature on a petition sheet, and that was not
-- appears to not have been done in this case.

And Mr. Beuchner, I just want to make sure I'm understanding you. That's what you're alleging, that the witnessing requirement was not met with respect to the signature?

MR. BUECHNER: That's exactly correct.

MS. STROUD: Is that --

MR. BUECHNER: Yes.

MS. STROUD: Okay. Thank you. And one moment. Yes, the statutory counterpart to the regulation can be found at 1-01.08(b)(3), and that indicates that each signature, the circulator should have to attest that they have personally circulated the petition, personally witnessed each person sign the petition. And in light of the fact that that did not happen in this instance, I would recommend that that signature be invalidated, which would leave Ms. Cox with nine signatures on the petition.

CHAIR BENNETT: Okay. Thanks for the recommendations from the General Counsel. We'll take that under consideration in our
deliberations. Thanks to the parties for appearing. We will have a decision today. Next matter, please.

MS. COX: Thank you.

MS. STROUD: The next matter is Detrick Campbell v. Jamaal Burton, who is a candidate for the State Board of Education, I believe -- oh, ANC, okay -- ANC 2C02. Okay.

Thank you. Mr. Detrick Campbell, are you on the line?

MR. CAMPBELL: Yes, I am.

CHAIR BENNETT: And what number is Jamaal's?

MS. STROUD: And Mr. Burton? Mr. Burton, are you on the line -- Jamaal Burton?

MR. FAGAN: I don't see him so far.

MS. STROUD: Okay. So it appears that Mr. -- okay. So I'm going to have the (audio interference) come and testify as to the circumstances under which he was provided notice of this hearing.

MS. JENNINGS: Yes. Terrica Jennings
for the record. Both parties, Mr. Burton and Mr.
Campbell, were provided written notice via email
by me immediately after their hearing as well as
I spoke to -- I had Tanisha (phonetic) our
paralegal speak to Mr. Burton specifically
concerning the hearing, because he -- we were
concerned about whether or not he would be
withdrawing from the State Board position, which
he had said he would have.

During our hearing yesterday, Mr.
Burton had to abruptly leave our meeting, because
he said he said he had other matters he had to
deal with. I asked him if he wanted to address
the State Board issue. He said he would come
back at 3:30. He did not come back at 3:30. The
challenger did come back at 3:30 and we proceeded
with the hearing. Mr. Burton has not followed up
since then, so I'm not sure if he will appear
today by phone, but he did receive notice of the
hearing from myself as well as Tanisha, and it
was discussed with him when he showed up briefly
for the hearing yesterday around 3:15.
MS. STROUD: Okay. Thank you, Ms. Jennings. For the record, Title 3 DCMR 403.4 provides that if any person or party waives the right to be present at the hearing or fails to appear, the Board may proceed ex parte unless the Board extends the time of the hearing or unless it's required by statute. So I recommend that the Board proceed ex parte in light of the notice that was given, and I will ask the Board to entertain a motion to proceed in the absence of the candidate.

CHAIR BENNETT: Okay. Can I get a motion to proceed ex parte from Ms. Greenfield?

MEMBER GREENFIELD: I move that we proceed ex parte with the hearing.

CHAIR BENNETT: Okay. The second from Mr. Gill?

MEMBER GILL: Second.

MEMBER GILL: Okay. It's been properly moved and seconded. Can I get a voice vote, Mr. Gill?

MEMBER GILL: Aye.
CHAIR BENNETT: Ms. Greenfield?

MEMBER GREENFIELD: Aye.

CHAIR BENNETT: And vote is unanimous.

We will proceed ex parte. Continue, Ms. Stroud.

MS. STROUD: Okay. We'll hear from the registrar of voters.

MS. SMITH: Hello. As stated, my name is DeAnna Smith, and I am going to present the report of the registrar of voters. On August 5, 2020, Jamaal Burton submitted a nominating petition to appear on the ballot as a candidate in the November 3, 2020 general election for the office of ANC, SMD 2C02. The minimum requirement to obtain ballot access for this office is ten signatures of District voters who are duly registered in the same SMD as the candidate. The petition contained ten signatures. The petition was posted for public inspection for ten days as required by law.

The petition was challenged on August 17, 2020 by Detrick Campbell, a registered voter in the District of Columbia. Mr. Campbell filed
challenges to ten of the ten signatures submitted
enumerated by line and page number on individual
challenge sheets filed for each specific page.
The signatures were challenged pursuant to Title
3 DCMR 1607.1 of the Board's regulations.

My review of the challenges indicate
that one of the ten challenges is valid. One is
valid because the challenge is not dated and the
candidate address on the petition form is an
inadvertent error by the Board of Elections.
This leaves the candidate's nominating petition
with nine signatures, one signature below the
number required for ballot access. Thank you.

CHAIR BENNETT: Thank you, Ms. Smith.
Ms. Stroud, did you have anything you wanted to
add?

MS. STROUD: No. I -- no. I don't
have anything to add. We can hear from the
parties if they --

(Simultaneous speaking.)

CHAIR BENNETT: Mr. Campbell?

MR. CAMPBELL: Yes. I thank the
registrars for their work, and I want to keep this as brief as possible, so I am finished --

CHAIR BENNETT: Mr. Campbell, can you speak up a little bit? I'm sorry, I couldn't hear you.

MR. CAMPBELL: I want to thank the registrar's office for their work and want to keep to your brief -- I know that you have a lot on the agenda, so I wanted to be brief. So I am through.

CHAIR BENNETT: Okay. Thank you, sir. Anything else, Ms. Stroud?

MS. STROUD: Mr. Burton showed -- was that Mr. Burton that spoke?

CHAIR BENNETT: That was Mr. Campbell.

MS. STROUD: Okay. Mr. Burton -- on the basis of the testimony presented, I would recommend that the Board not allow Mr. Burton access, because he has not met the signature requirements to retain ballot access for Single Member District 2C02 contest.

CHAIR BENNETT: We'll take that
recommendation under consideration in our deliberations. Next matter.

MS. STROUD: The next matter is Victoria Clark v. Rhonda Edward-Hines, candidate for ANC commissioner in Single Number District 8C06. Ms. Clark, are you present?

CHAIR BENNETT: Phone number?

MS. STROUD: Ms. Clark, are you present? If you could raise your hand by pressing star 3 if you are on the call.

Okay. Ms. Clark? I see that Ms. Clark has stepped away, so we'll just go on to the next matter and then come back when Ms. Clark is --

CHAIR BENNETT: She's there.

MS. STROUD: Oh, okay.

MS. CLARK: I'm here.

MS. STROUD: So Ms. Clark, if you could state your name for the record and your address for the record?

MS. CLARK: Victoria Clark, 530 (audio interference).
MS. STROUD: Okay. And Ms. Hines, if you could state your name and address for the record?

MS. HINES: The record on file is 1122 (audio interference) SE, current address is 2632 MLK Avenue.

MS. STROUD: Okay. Thank you. And Ms. Hines, you're a candidate for Advisory Neighborhood Commissioner in Single Member District 08C06, correct?

MS. HINES: Say that again. I'm getting feedback.

MS. STROUD: You're a candidate for 8C06? Ms. Hines?

MS. HINES: Yes.

MS. STROUD: Okay. Thank you. Will the registrar of voters present their findings with respect to this matter?

general election for the office of ANC, SMD 8C06. The minimum requirement to obtain ballot access for this office is ten signatures of District voters who are duly registered in the same SMD as candidate. The petition contained 20 signatures. The petition was posted for public inspection for ten days as required by law.

The petition was challenged on August 17, 2020 by Victoria Clark, a registered voter in the District of Columbia. Ms. Clark filed challenges to 15 of the 20 signatures submitted, enumerated by line and page number on individual challenge sheets filed for each petition page. The signatures were challenged pursuant to Title 3 DCMR Section 1607.1 of the Board's regulations. Additionally, the challenger alleges that the candidate does not reside at the address as indicated on her declaration of candidacy at the suggestion of the challenger that the property no longer exists.

My review of the challenges indicate that 14 of the 15 challenges are valid; 14 are
valid because the information from the District Master Address Repository indicates that the residential address listed on their voter registration record has a status of retired status, which in MAR means that the building at the address has been demolished and/or that the address is no longer in existence.

This leaves the candidate's nominating petition with six signatures, four signatures below the number required for ballot access.

Thank you.

MS. STROUD: Thank you. Ms. Hines, what's your response?

MS. HINES: This is the first that I'm hearing of demolished. When I came to pick up my package on the 2nd of July, I was giving -- given inside my package a nomination petition circulation guide, and its -- and it stated in 1(a) that the signer must be a duly registered voter according to the Board records at the time the petition is signed. And I received a printout of all the registered voters in that
SMD, and every single one of these signers are listed in the printout.

Now, I have called -- when I got challenged, I had called on the 18th of August at 12:14 and spoke to Ms. Kate -- I don't know how to pronounce her last name -- M-U-N-O-Z that I had a hearing with yesterday. And I didn't break it down as I'm going to to the Board. I question about the signers petition and stated that they was in the printout that I was provided by BOE. And she said, no problem, that's just one part. And that's all she said. This is my first time going through this part, so I also called the BOE to talk to someone where I picked up my petitions. And I was indicated that I didn't have to worry about anything, that you have 10 days after your hearing to make corrections, because I wanted to come and pick up the voter registrations so my signers can do their current signature voter registration.

Also, I called on the 26th because on the 18th, I called to make an appointment because
my understanding is that you couldn't do walk-ins, you have to make an appointment. So on the 26th, I called again and was given the same explanation. So now --

MS. STROUD: Okay.

(Simultaneous speaking.)

MS. STROUD: Continue, Ms. Hines. I'm sorry.

MS. HINES: Did you say continue?

MS. STROUD: If you had anything more to say, yes.

MS. HINES: Yes, because I wanted to be able to have the opportunity to get my signers the proper paperwork so they can be counted for on my document, on my petition.

MS. STROUD: Okay. So --

MS. HINES: I just feel that it -- it's a matter of miscommunication. If one personnel is saying one thing and another personnel is saying another thing, I feel that BOE personnel should be on one accord --

MS. STROUD: I believe --
MS. HINES: -- because --

MS. STROUD: -- so I will say the

actual state of the law regarding Ms. Hines is

that if you had provided signatures of

individuals who were registered in your Single

Member District, and they moved within the Single

Member District and had not updated their

address, within 10 days after the challenge to

such signatures had been filed, you would have

been able to collect change of address forms for

them. But in this instance, these individuals

are not registered at the address, because the

address is not an existing address, so they're

not registered at that address. So this is not a

circumstance under which you would be able to

cure these signatures. So I just wanted to, you

know, put that on the record and notify you of

that. That curing provision is with respect to

instances where the signer is registered at a

different address in the same jurisdiction, and

it might well be the case that there are people

who lived at these addresses which no longer
exist but still live within the SMD, but that's --

CHAIR BENNETT: Should we get to Ms. Clark?

MS. STROUD: Yes. And so Ms. Clark?

MS. CLARK: Yes. I believe that my position has been stated, and so I won't take up much of the Board's time reiterating my position, except that I will add that whether or not there is a cure process available, Karen Brooks' email of August 28, 2020 set out a deadline, and it was clear and written boldly that the deadline was August 31, 2020. So with that, I maintain my challenges to each of the individual signatures. Thank you.

CHAIR BENNETT: Ms. Stroud is there a rebuttal?

MS. STROUD: Yes, Ms. Hines can respond.

MS. HINES: Hello?

MS. STROUD: Yes, Ms. Hines. We can hear you.
MS. HINES: Okay. As I had stated, that I had made numerous calls to make an appointment to come and pick up the voter registration forms for my signers, and I was informed, as I stated earlier, that I had the opportunity to do that after the hearing by BOE personnel. So I feel that I did not get a fair chance to even straighten out what was going on on my petition.

CHAIR BENNETT: Okay. Thank you, Ms. Hines. May I get a recommendation from the General Counsel?

MS. STROUD: Yes. In light of the testimony presented by Board staff and the parties, I would recommend that Ms. Rhonda Edwards-Hines not be granted ballot access in light of the fact that she failed to meet the signature requirements to appear on the ballot as a candidate for the Advisory Neighborhood Commissioner Single Member District 8C06 contest.

CHAIR BENNETT: Thank you, Ms. Stroud. We will take that recommendation and the
testimony we've heard under consideration in our Executive Session. Our thanks to the parties. Next matter, please.

MS. STROUD: The next matter is Barbara J. Clark v. Ira Lovelace, candidate for Advisory Neighborhood Commissioner in Single Member District 7B04. Ms. Clark, are you present on the line?

CHAIR BENNETT: If you could raise your hand, Ms. Clark, we're looking for you now on the line. Star 3, I think it is.

MS. STROUD: Mr. Lovelace, are you present?

CHAIR BENNETT: You can raise your hand or star 3. We don't see either party.

MS. STROUD: So in light of the fact that neither party is present, I would ask that the Board, in light of 3 DCMR 403.3, which I put on the record previously, I would recommend that the Board proceed ex parte in light of -- Ms. Jennings? Ms. Jennings is going to come forward and put on the record the notices surrounding --
the circumstances surrounding which notice was
given.

MS. JENNINGS: Mr. Lovelace -- good
morning. Terrica Jennings again for the record.
During our pre-hearing conference --

CHAIR BENNETT: Speak up.

MS. JENNINGS: -- both Mr. Lovelace
and Ms. Clark had received notice that Mr.
Lovelace did not, at the time, meet ballot access
requirements. Mr. Lovelace said he was new to
the process and wanted to go before the Board to
perhaps see if he could get that extra signature
to meet the valid access requirement. He did,
you know, waver regarding that, so I sent both
parties the notice for the hearing today along
with the notice to -- the withdrawal form that
Mr. Lovelace requested, because he said at the
time he was not sure if he would move forward. I
have not received a response from either party.

MS. STROUD: Okay. Thank you, Ms.
Jennings. In light of that, I would recommend
that the Board proceed ex parte pursuant to 3
DCMR 403.4, in light of the fact that notice was
given and I would have the Board entertain a
motion at this time.

CHAIR BENNETT: Can I get a motion
from Ms. Greenfield to proceed with this matter
ex parte?

MEMBER GREENFIELD: I move that we
proceed with this matter ex parte.

MEMBER GILL: This is Mike Gill, I
second that.

CHAIR BENNETT: A second from Mr.
Gill?

MEMBER GILL: Second.

CHAIR BENNETT: It's been properly
moved and seconded. All in favor, Ms.
Greenfield?

MEMBER GREENFIELD: Aye.

CHAIR BENNETT: Mr. Gill?

MEMBER GILL: Aye.

CHAIR BENNETT: And aye as well, so
it's unanimous. We'll proceed ex parte, Ms.
Stroud. Can we get the record from the
registrar, or Ms. Stroud, how do you want to proceed?

MS. STROUD: The registrar, I believe, will read the report.

MS. SMITH: Yes. Thank you. On July 20, 2020, Ira Lovelace submitted a nominating petition to appear on the ballot as a candidate in the November 3, 2020 general election for the office of ANC, SMD 8A02. The minimum requirement to obtain ballot access for this office is ten signatures of District voters who are duly registered in the same SMD as candidate. The petition contained 20 signatures. The petition was posted for public inspection for ten days as required by law.

The petition was challenged on August 17, 2020 by Barbara Clark, a registered voter in the District of Columbia. Ms. Clark filed challenges to 13 of the 20 signatures submitted enumerated by line and page number on individual challenge sheets filed for each petition page. The signatures were challenged pursuant to Title
3 DCMR Section 1607.1 of the Board's regulations.

Additionally, the challenger alleges that the candidate does not reside in the Single Member District as indicated on the declaration of candidacy.

My review of the challenges indicate that 11 of the 13 challenges are valid; five of the challenges are valid because the signers were not registered to vote at the address listed on the petition at the time the petition was signed; one is valid because the signer was not registered at the time the petition was signed; two are valid because the petition does not include the address of the signers; and three are valid because the signers were not a registered voter in D4 or SMD from which the candidate seeks nomination at the time the petition was signed.

This leaves the candidate's nominating petition with nine signatures, one signatures below the number required for ballot access.

Thank you.

CHAIR BENNETT: Thank you. Ms.
Stroud, can you make the recommendation to the Board.

MS. STROUD: Sure. In light of the information presented by Board staff, I would recommend that Mr. Lovelace be denied ballot access as a candidate in the contest for Office – Advisory Neighborhood Commissioner in Single Member District 8A02.

CHAIR BENNETT: Okay. Thank you. We will take that recommendation into consideration in our deliberations. Next matter, please.

MS. STROUD: The next matter is Robin Hammond Marlin v. Nicole Smith-McDermott, candidate for Advisory Neighborhood Commissioner in Single Number District 7B04. Ms. Marlin, are you on the line? If you could press star 3 if you are on the line to raise your hand?

MS. HAMMOND MARLIN: Can you hear me?

CHAIR BENNETT: Yes, we can. What's the number, Ms. Marlin?

MS. HAMMOND MARLIN: Yes.

CHAIR BENNETT: Yes. That's okay. We
have you.

MS. STROUD: Ms. Smith-McDermott, are you on the line? If you could do star 3 to raise your hand? Ms. McDermott? Okay. Ms. Munoz?

MS. MUNOZ: Hello. I'm here.

CHAIR BENNETT: Okay, great. Is Ms. McDermott there?

MS. STROUD: So Ms. Munoz, if you could provide some testimony regarding the circumstances under which the parties received notice of today's hearing for the record?

MS. MUNOZ: Certainly, yes. We provided both parties with notice of this hearing, and we've been attempting to contact the candidate, Ms. Smith-McDermott in particular, letting her know this would be on the agenda. I can add that during the pre-hearing conference held on August 28th, the candidate, Ms. Smith-McDermott indicated during the conference that she intended to withdraw. We have not received her signed formal withdrawal of her candidacy.

MS. STROUD: Okay. Thank you, Ms.
Munoz. In light of the information provided, I would recommend that the Board proceed ex parte in this matter pursuant to 3 DCMR 403.4, in light of the fact that notice was given. And I would have the Board entertain a motion to do so.

CHAIR BENNETT: Mr. Gill, can I get a motion to proceed ex parte on this matter?

MEMBER GILL: I move that we proceed ex parte on this matter.

CHAIR BENNETT: Ms. Greenfield, can I get a second?

MEMBER GREENFIELD: I second.

CHAIR BENNETT: It's been properly moved and seconded. Mr. Gill, can I get a voice vote?

MEMBER GILL: Aye.

CHAIR BENNETT: Ms. Greenfield?

MEMBER GREENFIELD: Aye.

CHAIR BENNETT: An aye from me, so it's unanimous. We will proceed ex parte. Ms. Stroud?

MS. STROUD: We'll now have the report
of the registrar of voters.

MS. SMITH: Yes. Thank you. My name is DeAnna Smith, and I will present the report of the registrar of voters. On August 5, 2020, Nicole Smith-McDermott submitted a nomination petition to appear on the ballot as a candidate in the November 3, 2020 general election for the office of ANC, SMD 7B04. The minimum requirement to obtain ballot access for this office is ten signatures of District voters who are duly registered in the same SMD as candidate. The petition contained ten signatures. The petition was posted for public inspection for ten days as required by law.

The petition was challenged on August 15, 2020 by Robin Hammond Marlin, a registered voter of the District of Columbia. Ms. Hammond Marlin filed challenges to five of the ten signatures submitted enumerated by line and page number on individual challenge sheets filed for each petition page. The signatures were challenged pursuant to Title 3 DCMR Section
My review of the challenges indicates that two of the five challenges are valid; two of the challenges are valid because the signers were not registered to vote at the address listed on the petition at the time the petition was signed.

This leaves the candidate's nominating petition with eight signatures, two signatures below the number required for ballot access.

Thank you.

CHAIR BENNETT: Okay.

MS. STROUD: Okay. In light of the information provided, my recommendation would be that Ms. --

CHAIR BENNETT: Can we hear from Ms. Marlin?

PARTICIPANT: They're not here.

CHAIR BENNETT: Oh, they're not.

MS. STROUD: Oh, the candidate is here. Okay. Ms. Hammond?

MS. HAMMOND MARLIN: Yes. I would like to add one -- I did attend the pre-
conference along with Ms. McDermott, and I did raise an issue on two other signatures. However, Ms. Munoz felt like, you know, that was information --

CHAIR BENNETT: Can you speak up a little bit, Ms. Marlin?

MS. HAMMOND MARLIN: I'm sorry?

CHAIR BENNETT: Can you speak up a little bit or talk into your microphone.

MS. HAMMOND MARLIN: Okay. Can you hear me now?

CHAIR BENNETT: Yes. That's much better. Thank you so much.

MS. HAMMOND MARLIN: Okay. So during the pre-conference hearing of which Nicole was present, I also raised concerns with two other signatures. However, in lieu of the fact that she has -- doesn't have the required number of ten signatures, I don't know if that's a moot issue in this discussion.

But I would also like to raise that I've been listening to the hearing since it
started, and I counted at least six out of the 20
-- well, so far out of 15 challenges there, the
challengers have raised question of residency.
And as you know, Mr. Bennett, that's where my
challenge against Ms. McDermott began a year,
a year, with the fact that she did
not reside in the SMD where she was seeking to be
a candidate. So I wanted to put that on record,
and I did share that with Ms. Munoz in email, I
think, and when I spoke with her. But I think
it's significant that this keeps arising.

And I would also like for those two
signatures that I discussed during the pre-
conference hearing to be part of this record and
then be addressed by Ms. Brooks.

CHAIR BENNETT: Thank you, Ms. Marlin.
Can I get a recommendation from the General
Counsel?

MS. STROUD: Yes. In light of the
information presented, I would recommend that the
Board deny ballot access to Nicole Smith-
McDermott, candidate for Advisory Neighborhood
Commissioner in Single Member District 7B05.

CHAIR BENNETT: Thank you. We'll take that recommendation under consideration during deliberations. Thanks to the parties. And can we move to the next matter?

MS. HAMMOND MARLIN: Mr. Bennett?

MS. STROUD: The next matter --

MS. HAMMOND MARLIN: Mr. Bennett?

MS. STROUD: -- is --

MS. HAMMOND MARLIN: Hello -- hello, Mr. Bennett? Mr. Bennett?

CHAIR BENNETT: Yes.

MS. HAMMOND MARLIN: I have one last -- okay, so I have one last question. When you say you take into advisement, is that a final say? I mean what does that mean?

CHAIR BENNETT: That means we're going to consider it during an Executive Session in deliberations, and we'll make a decision based on the testimony and the record. That's what it means. And we will --

MS. HAMMOND MARLIN: Okay.
CHAIR BENNETT: -- take the recommendations of the General Counsel under advisement as well. Thank you.

MS. HAMMOND MARLIN: Okay. I don't --

CHAIR BENNETT: I'm sorry?

MS. HAMMOND MARLIN: The only thing I was going to add is I guess I don't understand taking under advisement. If this hearing is to determine whether or not the candidates are eligible to be put on the ballot, I'm not understanding why it's not closed during this hearing.

CHAIR BENNETT: We are going to break for Executive Session after we hear all the matters, and then we're going to make decisions then, and then come back on the record.

MS. HAMMOND MARLIN: Okay. Thank you.

CHAIR BENNETT: Thank you. All right.

Next matter.

MS. STROUD: One second, Mr. Chair.

The next matter on the agenda is Robin McKinney v. Isaac Smith, candidate for Advisory
Neighborhood Commissioner in Single Member

District 8A06. Ms. McKinney, are you present?
Star 3 if you are present.

Mr. Smith, Mr. Isaac Smith, are you on
the line? Star 3 if you are on the line.

Okay. Ms. Munoz, if you could go on
the record and provide the circumstances under
which notice of today's hearing was given.

MS. MUNOZ: Hi. This is Kate Munoz.

We have contacted both challenger, Ms. McKinney,
and candidate, Isaac Smith, to inform them that
they are on the agenda. We contacted each of
them via email yesterday.

MS. STROUD: Okay. And when we sent
out a notice of the pre-hearing conference,
wasn't there notice provided regarding today's
hearing as well?

MS. MUNOZ: Yes. Thank you. When we
provided notice in writing three days after the
challenge was filed of this matter, that included
a date both for the pre-hearing meeting and for
this public hearing on September 2nd. That was
in the correspondence that all the parties
received.

MS. STROUD: Okay. Thank you. So
just again, Mr. -- Ms. McKinney, are you present?
Mr. Smith, are you present?

Okay. In light of the fact that
notice was given pursuant to 3 DCMR 403.4, I
recommend that the Board proceed ex parte, in
light of the fact that notice was given -- and
have the Board entertain a motion to do so.

CHAIR BENNETT: Can I get a motion
from Mr. Gill to proceed ex parte on this matter?

MEMBER GILL: I move that we proceed
to ex parte on this matter.

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

MEMBER GREENFIELD: I second.

CHAIR BENNETT: It's been properly
moved and seconded. Mr. Gill, voice vote?

MEMBER GILL: Aye.

CHAIR BENNETT: Ms. Greenfield, voice
vote?
MEMBER GREENFIELD: Aye.

CHAIR BENNETT: Thank you, and aye for me. The vote is unanimous. We'll proceed ex parte. Ms. Stroud?

MS. STROUD: Okay. Registrar of voters will present their report.

MS. SMITH: Yes. On July 28, 2020, Isaac Smith submitted a nominating petition to appear on the ballot as a candidate in the November 3, 2020 general election for the office of ANC, SMD 8A06. The minimum requirement to obtain ballot access for this office is 10 signatures of duly registered voters in the District of Columbia and the same SMD as the candidate. The petition contained 30 signatures. The petition was posted for public inspection for 10 days as required by law.

The petition was challenged on August 17, 2020 by Robin McKinney, a registered voter in the District of Columbia. Ms. McKinney filed challenges to 28 of the 30 signatures submitted enumerated by line and page number on individual
challenge sheets filed for each petition page.
The signatures were challenged pursuant to Title 3 DCMR 1607.1 of the Board's regulations.

My review of the challenges indicate that eight of the 28 challenges are valid; three of the challenges are valid because the signature is not dated; one is valid because the petition does not include the address of the signer; one is valid because the petition does not include the name of the signer where the signature is not sufficiently legible; one is valid because the signer was not registered at the time the petition was signed; one is valid because the signer's voter registration was designated as inactive on the voter rolls at the time the petition was signed; and one is valid because the signature is not made by the person whose signature it purports to be.

This leaves the candidate's nominating petition with 22 signatures, 12 signatures over the number required for ballot access. Thank you.
CHAIR BENNETT: Thank you. Any recommendation, Ms. Stroud?

MS. STROUD: Yes. In light of the information presented by the registrar's office, I would recommend that Mr. Smith be granted ballot access in the contest for Advisory Neighborhood Commissioner in Single Member District 8A06.

CHAIR BENNETT: We'll take the recommendations under consideration in deliberations in Executive Session. Next matter, Ms. Stroud.

MS. STROUD: Latoya Moore v. James Q. Butler, Advisory Neighborhood Commissioner in Single Number District 5D03. Ms. Moore, are you on the line?

MR. FAGAN: Star 3.

MS. STROUD: Star 3 if you're on the line?

MR. FAGAN: Yes. Got them both.

MS. STROUD: Okay. Thank you. Ms. Moore, if you could state your name and address
for the record?


MS. STROUD: Mr. Butler?


MS. STROUD: Okay. Thank you. We will now hear from the registrar of voters office.

MS. SMITH: Yes. Hi. My name is DeAnna Smith, and I'm representing the registrar of voters. On July 17, 2020, James Q. Butler submitted a nominating petition to appear on the ballot as a candidate in the November 3, 2020 general election for the office of ANC, SMD 5D03. The minimum requirement to obtain ballot access for this office is 10 signatures of District voters who are duly registered in the same SMD as candidate. The petition contained 35 signatures. The petition was posted for public inspection for 10 days as required by law.
The petition was challenged on August 17, 2020 by Latoya Moore, who is a registered voter in the District of Columbia. Ms. Moore filed challenges to 31 of the 35 signatures submitted enumerated by line and page number on individual challenge sheets filed for each petition page. The signatures were challenged pursuant to Title 3 DCMR Section 1607.1 of the Board's regulations.

My review of the challenge indicates that 25 of the 31 challenges are valid; 13 are valid because the signatures are predated; six are valid because the signers were not registered to vote at the address listed on the petition at the time the petition was signed; and six were valid because the signatures are not registered — I'm sorry -- the signers are not registered.

This leaves the candidate's nominating petition with 10 signatures, the number required for ballot access.

The registrar of voters timely received information from Ms. Moore indicating
that there were discrepancies in the registrar's report. After additional review of the challenge, the registrar of voters determined that one signature that had been -- initially been determined to be valid were, in fact, invalid. Therefore, Mr. Butler was not credited with one signature. This leaves the candidate's nominating petition with nine signatures, one signature below the number required for ballot access. Thank you.

CHAIR BENNETT: Okay. Let's hear from the parties.

MS. STROUD: Okay. Mr. Butler?

MR. BUTLER: Yes. I'd like to respond to that, and I responded in the preliminary hearing. I just want to be clear to the Board that this is not about me asking for anything extra. This is about me asking for the -- what's normal and expected of any candidate whose petition is challenged.

On August 17th, Ms. Moore challenged my petition after it was placed for public
However, in my declaration of candidacy as well as other elections, I had my email prominently stated in typewritten forms as jqbutler1@hotmail.com, and I used that email address for my declaration of candidacy in this particular race. However, when notice was sent out that a challenge was taking place to my petition -- or my nominating petition, the email was sent to jp, as in paul, butler1@hotmail.com. This was noted by Karla Garcia, because I was not timely in the preliminary hearing, and I had no notice whatsoever at all that my nominating petition was challenged.

Now, we all know, and certainly the Board knows, that there are curable defects that can be cured within a 10-day timeframe. I had -- had I proper notice, I would have had adequate time to cure a multitude of defects. What's more to this is when the initial report came out from the registrar, Karen Brooks, the preliminary report came out on August 26, Ms. Brooks apparently had the correct email. She notified
me that there was essentially the requisite
number of ten signatures that you just heard Ms.
DeAnna Smith read on the record, ten. So this
was on a Wednesday. Of course, I had nothing to
worry about at that point.

However, I was challenged in response
to Ms. Moore on the 27th. Why didn't I know
about that email on the 27th that Ms. Moore sent?
Well, I would have known about it had a copy
email been sent to me or had the registrar, Ms.
Brooks, who also said that if she's back, she
will give testimony today, to the fact that I
wasn't copied on either of the emails, and
nothing was sent out via First Class Mail. On
the 27th, when the reply was sent, and they said
that there -- I was now minus one signature and
did not have ballot access -- on the 27th, I
still had time to cure, and I'll prove that I had
time to cure, because when we had our hearing
that following Monday, less than 24 hours later,
I cured two of the defects in less than 24 hours.
And all parties have received copies of that.
My second point is this. One of the individuals that were in controversy with regards to the signature being valid, the address was absolutely the same address. It was that he simply had changed an apartment. He was a registered voter at the time that he signed the petition. He copied me when he resubmitted his registration to the Board of Elections. All parties have received a copy. So his address didn't change. His apartment simply changed.

I believe that I'm not asking for anything extra. I'm simply asking for notice and an opportunity to respond -- any curable defects like every single other candidate receives whose nominating petition was challenged.

And my third point is this, that the circulating petitions -- the nominating petitions were all circulated by me. I did make the technical error of pre-dating the petitions, two of them, so that did validate, I believe, roughly 15 of my signatures. But I believe the strongest -- I know the strongest arguments, and I'm
confident the Court of Appeals would agree with me on the first two that, you know, you need notice. You have a right to notice. You have a right to respond. I never received that by the admission of Ms. Brooks, who I'd like to be questioned by the Board if needed, and Ms. Karla Garcia, who indicated that I received no notice whatsoever.

MS. STROUD: Okay. Thank you, Mr. Butler. Ms. Munoz, if you could address the concerns raised by Mr. Butler?

MS. MUNOZ: Good afternoon. Yes. This is Kate Munoz recapping briefly what the registrar and what Ms. Karla Brooks each spoke to at the pre-hearing conference that was held and related to this matter on August 31st. It appears what occurred is that DC BOE initially used an incorrect address, not the one specified on the Mr. Butler's declaration of candidacy form to send Mr. Butler the challenge documents. However, I think it was three days later, DC BOE staff used the correct address to provide Mr.
Butler with its initial preliminary
determination, so this was the registrar's
preliminary report that in that version had found
that Mr. Butler had ten valid signatures for
ballot access.

And we further checked the email
records and determined Ms. Moore -- after that
preliminary report was circulated, the
challenger, Ms. Moore, flagged discrepancies for
the registrar, and a correspondence of that was
not provided to Mr. Butler. Subsequent to that,
the registrar sent out a revised preliminary
determination and in that version concluded that
Mr. Butler had nine valid signatures.

MS. STROUD: Okay. Thank you, Ms.
Munoz.

CHAIR BENNETT: Mr. --

MR. BUTLER: I'd like to respond very
briefly.

CHAIR BENNETT: Yes, please.

MR. BUTLER: When I received --

CHAIR BENNETT: Before you go, if you
MR. BUTLER: Sure -- sure, go ahead, Mr. Chairman.

CHAIR BENNETT: The question I have for you, Mr. Butler, are you asking us to waive the date requirement that you had on the --

MR. BUTLER: So yes --

CHAIR BENNETT: -- with regard to --

MR. BUTLER: -- in parts. Since that time, what I've done is I've cured two of the defects. One I don't even believe is a defect, because it was simply an apartment change. But since that time, out of an abundance of caution, yes, I am asking that the date requirement be waived because I believe the court would allow me adequate notice to respond to a challenge. I never received either adequate notice or time to reply in either instance.

CHAIR BENNETT: Thank you. Can I get a recommendation? Mr. Butler, are you done? I'm sorry if I interrupted you.

MR. BUTLER: Yes. I'm finished, yes.
CHAIR BENNETT: Okay. Can I get a recommendation from the General Counsel?

MS. STROUD: In light of the information presented by Mr. Butler, I would recommend that the Board exercise its discretion to waive the formal error with respect to the dates and grant Mr. Moore ballot access in light --

MEMBER GILL: Mr. Butler.

MS. STROUD: -- Mr. Butler ballot access as he would have the requisite number of signatures to attain ballot access.

CHAIR BENNETT: Thank you, Ms. Stroud. We'll take the testimony and the recommendation of the General Counsel under consideration in our deliberations. Thanks to the parties. Ms. Stroud, next matter, please?

MS. STROUD: The next matter --

MR. BUTLER: Thank you.

MS. STROUD: -- on the agenda is Carlene Reid v. Ryan Washington, who is running for member of the State Board of Education for
Ward 8. Ms. Reid, are you on the line?

(No response.)

CHAIR BENNETT: If you could do star 3 to raise your hand.

MS. MOORE: I've been pressing star 3 and no one has given me a chance to speak. This is Latoya Moore.

MS. STROUD: Oh.

(Off record comments.)

MS. MOORE: Is anyone -- can you hear me?

CHAIR BENNETT: Yes. Ms. Moore -- we -- I had concluded the matter, but since we haven't started the other one, go ahead, Ms. Moore.

MS. MOORE: Okay. Thank you, Mr. Chairman. I let everyone on the line speak, and I was waiting for someone to ask me did I have comments on the matter, and no one did. And I kept pressing star 3 just to outline where we are. I wanted to ask --

CHAIR BENNETT: I'm very sorry; go
ahead, Ms. Moore.

MS. MOORE: I just wanted to add even with the submitted remedies, Mr. Butler only had nine of ten signatures required for ballot access. The circulator affidavit error cannot be remedied under DC law, so the additional time being requested by Mr. Butler would be -- would not be reasonable. Circulator affidavits errors are not curable defects and 21 of the errors were circulator affidavit errors. So I'm just trying to figure out how he's remedying it without my comments and without -- and could someone address those issues that I just spoke of?

CHAIR BENNETT: I'm sorry we didn't recognize you to respond, Ms. Moore, but we'll certainly take that testimony under consideration. Thank you.

MS. MOORE: Thank you.

CHAIR BENNETT: Okay. Now we're looking at -- or considering Carlene Reid v. Ryan Washington of Ward 8, State Board of Education. Do we have Ms. Reid on the line and Mr.
Washington?

(No response.)

CHAIR BENNETT: We're trying to find you.

MS. STROUD: Ms. Reid, if you could press star 3. Mr. Washington?

(No response.)

(Off record comments.)

MS. STROUD: Ms. Munoz, if you could come on the line and indicate the circumstances under which the parties were provided with notice of today's hearing?

MS. JENNINGS: Yes, one moment. We provided notice of the hearing via correspondence three days after the challenge was filed to all the parties in this matter, Carlene Reid and Ryan Washington.

MS. STROUD: Okay. And they both appeared at the pre-hearing conference that was held?

MS. JENNINGS: That's correct, they both appeared at the pre-hearing conference that
was held.

MS. STROUD: Okay. In light of Ms. Munoz's statement, I would recommend that the Board proceed ex parte, in light of the motion that -- the notice that was given and have the Board entertain a motion to do so.

CHAIR BENNETT: Can I get a motion from Ms. Greenfield to proceed ex parte on the matter of Reid v. Washington, State Board of Education?

MEMBER GREENFIELD: Yes. I move -- motion that we move ex parte in the matter of Reid v. Washington.

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

MEMBER GILL: Second.

CHAIR BENNETT: All right. It's properly moved and seconded. Are the parties -- can you see them now?

Okay. Properly moved and seconded. Can I get a voice vote? Ms. Greenfield, voice vote?
MEMBER GREENFIELD: Aye.

CHAIR BENNETT: Mr. Gill, voice vote?

MEMBER GILL: Aye.

CHAIR BENNETT: Aye for me as well.

It's unanimous. We'll proceed ex parte, Ms. Stroud.

MS. STROUD: Okay. We'll now hear from the registrar of voters.

MS. SMITH: Hi. My name is DeAnna Smith, and I presenting the findings from registrar of voters. August 4th, 2020, Ryan Washington submitted a nominating petition to appear on the ballot as a candidate in the November 3rd, 2020 general election for the office of Ward 8, member of the State Board of Education. The minimum requirement to obtain ballot access for this office is 50 signatures of District voters who are duly registered in the same Ward as candidate. The petition contained 83 signatures. The petition was posted for public inspection for ten days as required by law.
The petition was challenged on August 17th, 2020 by Carlene Reid, a registered voter in the District of Columbia. Ms. Reid filed challenges of 46 of the 83 signatures submitted enumerated by line and page number on individual challenge sheets filed for each petition page. The signatures were challenged pursuant to Title 3 DCMR Section 1607.1 of the Board's regulations.

My review of the challenges indicate that 35 of the 46 challenges are valid; nine are valid because the signer was not registered to vote at the address listed on the petition at the time the petition was signed; two are valid because the petition does not include the address of the signer; two are valid because the signers were not registered at the time the petition was signed; 11 are valid because the signature is not dated; one is valid because the signer is not a registered voter in the Ward or SMD from which the candidate seeks nomination at the time the petition was signed; and ten are valid because the circulator of the petition failed to complete
all required information in the circulator's affidavit.

This leaves the candidate's nominating petition with 48 signatures, two signatures below the number required for ballot access.

The registrar of voters timely received information from Mr. Washington indicating that there were discrepancies in the registrar's report. After additional review of the challenge, the registrar of voters determined that two signatures that had been -- initially been determined to be invalid were, in fact, valid. Therefore, Mr. Washington was credited with two additional signatures.

This leaves the candidate's nominating petition with 50 signatures, the number required for ballot access.

The registrar of voters timely received one change of address from Mr. Ryan Washington on Monday, August 31st, 2020. This form was accepted. Accordingly, candidate Washington was credited with one signature that
had initially be determined to be invalid.

This leaves the candidate's nominating petition with 51 signatures, one signature over the number required for ballot access. Thank you.

MS. STROUD: Okay. Thank you. In light of the information provided, I would recommend that the Board grant Ryan Washington access in the contest for member of the State Board of Education for Ward 8.

CHAIR BENNETT: Okay. Thank you, Ms. Stroud. We will take your recommendation under consideration during deliberations, and we move to the next matter. Thanks to our registrar as well.

MS. STROUD: The next matter is Jeannina Williams v. Stephen Slaughter, who is a candidate for the office of Advisory Neighborhood Commissioner in Single Number District 8E07. Ms. Williams, are you on the line? Star 3 if you're on the line.

(No response.)
CHAIR BENNETT: Is Mr. Slaughter as well?

MS. STROUD: Mr. Slaughter is present.

CHAIR BENNETT: Okay.

MR. SLAUGHTER: I'm here. Can you guys hear me?

MS. STROUD: Yes. We can hear you, Mr. Slaughter. Thank you.

CHAIR BENNETT: Ms. Williams? We're waiting for Ms. Williams. Haven't found her yet?

PARTICIPANT: No.

MS. STROUD: Okay.

(Off record comments.)

MS. STROUD: Okay. So Ms. Williams does not appear to be on the line. Ms. Munoz, if you could appear on the record and provide the circumstances under which notice of this meeting was provided to the parties.

MS. MUNOZ: Yes. This is Kate Munoz. I can confirm that we provided Mr. Slaughter and Ms. Williams each notice of the hearing date in correspondence on August 20th and also at a pre-
hearing conference date on August 28th and have
been contacting them subsequently to confirm that
they are on the agenda at this September 2nd
hearing.

MS. STROUD: Okay. Thank you, Ms. Munoz. In light of the information I was
provided, I would recommend that the Board
proceed ex parte pursuant to 3 DCMR 403.4, and
have the Board entertain a motion to do so.

CHAIR BENNETT: Can I get a motion
from Ms. Greenfield to proceed ex parte on this
matter?

MEMBER GREENFIELD: I move that we
proceed ex parte in this matter.

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

MEMBER GILL: Second.

CHAIR BENNETT: It's properly moved
and seconded. Voice vote, Mr. Gill?

MEMBER GILL: Aye.

CHAIR BENNETT: Ms. Greenfield?

MEMBER GREENFIELD: Aye.
CHAIR BENNETT: Aye for me. It's unanimous. We'll proceed ex parte on the matter of Williams v. Slaughter.

MS. STROUD: Okay. We'll now hear from the Voter Services Division.

MS. SMITH: Yes. Thank you. On August 5th, 2020, Stephen Slaughter submitted a nominating petition to appear on the ballot as a candidate in the November 3rd, 2020 general election for the office of ANC for SMD 8E07. The minimum requirement to obtain ballot access for this office is ten signatures of District voters who are duly registered in the same SMD as candidate. The petition contained ten signatures. The petition was posted for public inspection for ten days as required by law.

The petition was challenged on August 17th by Jeannina Williams, a registered voter in the District of Columbia. Ms. Williams filed challenges of 12 of the 13 signatures submitted enumerated by line and page number on individual challenge sheets filed for each petition page.
The signatures were challenged pursuant to Title 3 DCMR 1607.1 of the Board's regulations.

My review of the challenges indicate that one of the 12 challenges is valid; one of the challenges is valid because the signer is not registered to vote at the address listed on the petition at the time the petition was signed.

This leaves the candidate's nominating petition with 12 signatures, two signatures over the number required for ballot access. Thank you.

MS. STROUD: Mr. Slaughter?

MR. SLAUGHTER: Yes. I'm here.

MS. STROUD: Do you have a statement or response?

MR. SLAUGHTER: No. I agree with the findings. Thank you.

MS. STROUD: Okay. Thank you. In light of the information presented, I recommend that Mr. Slaughter be granted ballot access in the contest for Advisory Neighborhood Commissioner in Single Member District 83P7.
CHAIR BENNETT: Thank you, Ms. Stroud and thanks for the testimony and the recommendation will be taken under consideration during deliberations. Thanks to the parties. Next matter, please?

MS. STROUD: Okay. The next matter is Jillian Wolons v. Brandon Frye, who is a candidate for member of the State Board of Education from Ward 2. If Ms. Wolons present, could you please press star 3? And Mr. Frye, if you could do the same?

(No response.)

MS. STROUD: Ms. Wolons?

(No response.)

MS. STROUD: Mr. Frye?

(No response.)

MS. STROUD: Ms. Munoz, if you could appear on the record to provide the circumstances under which both parties were provided notice of today's hearing.

MS. MUNOZ: Hello. This is Kate Munoz. I can confirm that we provided notice to
the parties of the September 2nd public hearing
date in correspondence sent to them on August 20,
2020, and additionally spoke to Ms. Wolons at the
pre-hearing meeting that was scheduled yesterday
for September 1st. We have been contacting Mr.
Frye by email also to confirm that he is on the
agenda for today.

MS. STROUD: Thank you, Ms. Wolons,
are you on the line?

CHAIR BENNETT: Press star 3, please.

It appears that Ms. Wolons may be on the line,
but in the meantime, what I'd like to do is get
the registrar's report while we search for Ms.
Wolons.

MS. SMITH: Yes. My name is DeAnna
Smith, and I going to present the findings from
the registrar of voters. On August 5th, 2020,
Brandon Frye submitted a nominating petition to
appear on the ballot as a candidate in the
November 3rd, 2020 general election for the
office of Board Team Member of the State Board of
Education. The minimum requirement to obtain
ballot access for this office is 50 signatures of District voters who are duly registered in the same Ward as the candidate. The petition contained 55 signatures. The petition was posted for public inspection for ten days as required by law.

The petition was challenged on August 17th, 2020 by Jillian Wolons, a registered voter in the District of Columbia. Ms. Wolons filed challenges to 38 of the 55 submitted enumerated by line and page number on individual challenge sheets filed for each petition page. The signatures were challenged pursuant to Title 3 DCMR 1607.1 of the Board's regulations.

My review of the challenges indicate that all 38 of the 38 challenges are valid; two are valid because the signer is not registered to vote at the address listed on the petition at the time the petition was signed; four are valid because the signers are not registered at the time the petition was signed; 25 are valid because the signature was pre-dated; five are
valid because the circulator of the petition
failed to complete all required information in
the circulator's affidavit; and two are valid
because the signer is not a registered voter in
the Ward or SMD from which the candidate seeks
nomination at the time the petition was signed.

This leaves the candidate's nominating
petition with 17,33 signatures below the number
required for ballot access. Thank you.

MS. STROUD: Okay. So I just wanted
to confirm once again that neither of the parties
are on the line. Okay. In light of the
information that was provided, my recommendation
would be that Mr. Frye be denied ballot access in
the contest for member of the State Board of
Education for Ward 2.

CHAIR BENNETT: Thank you, Ms. Stroud.

We'll take -- the Board will take the
recommendation under consideration in our
Executive Session deliberations. I think those
are all the matters associated with nominating
petition challenges. And so we thank the parties
accordingly.

And what I'd like to do is to move on to Proper Subject Matter Hearings regarding The New Modern Day Criminal Justice Cannabis Reform Act of 2020. Can we take a five-minute break?

Can I get a motion to take a five-minute break, for a five-minute comfort break for the Chair?

Can I get a motion, Mr. Gill?

MEMBER GILL: I make a motion that we take a five-minute break for the comfort of the Chairman.

(Laughter.)

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

MEMBER GREENFIELD: I second.

CHAIR BENNETT: All in favor, aye.

MEMBER GREENFIELD: Aye.

MEMBER GILL: Aye.

CHAIR BENNETT: Me especially. All right. We'll take a five-minute break. We'll be back literally in five minutes or less. We've got to finish up pretty quickly here. All right.
Thanks.

(whereupon, the above-entitled matter went off the record at 1:38 p.m. and resumed at 1:45 p.m.)

CHAIR BENNETT: Okay. We're back and I'm comfortable. So if you could -- this is Proper Subject Matter Hearing, The New Modern Day Criminal Justice Cannabis Reform Act of 2020. Ms. Stroud, would you proceed?

One thing we want to do, I know we have a lot of witnesses, and this virtual is really cumbersome, but we have the -- we're trying to do -- trying to get through this efficiently. We're going to ask all the witnesses to be very succinct, and we're going to limit the testimony to ten -- I'm sorry -- to two minutes. And if indeed there are witnesses who will end up saying the same thing as somebody else, if you would give your time to another party so we can kind of move through this quickly, I would certainly appreciate it, but I'll leave that up to you. Thanks so much. Ms.
Stroud, please proceed.

MS. STROUD: Yes. At this meeting, the Board will conduct a hearing to determine whether or not the proposed initiative measure titled The New Modern Day Criminal Justice Cannabis Reform Act of 2020 presents a proper subject of initiative in the District. So I just want to quick put on the record that in making the Board -- making its proper subject determination analysis, the Board is not considering the merits of the proposed measure.

The only thing the Board is considering is whether or not the measure presents a proper subject for initiative under the following criteria: one, does the measure conflict with or seek to amend Title IV of the DC Home Rule Act, otherwise known as the District Charter.

Does the measure conflict with the U.S. Constitution?

Has the measure been properly filed?

Has the verified statement of
contribution, which consists of the measure
committee statement of organization and report of
receipts and expenditures, been timely filed?

Does the measure authorize
discrimination and violation of the DC Human
Rights Act?

Would the measure negate or limit a
budgetary act of the DC Council, or would the
measure impermissibly appropriate funds under
applicable DC Court of Appeals rules?

So the Board does not -- I repeat does
not consider whether the measure is a good idea
or not, what the benefits or the merits of the
measure are, but only whether or not the measure
meets proper subject requirements that have been
laid out. So Mr. Chair, if you would proceed?

CHAIR BENNETT: All right. Sorry.
It's been a long day so far. Okay. I'll ask
General Counsel if the proponent of the proposed
measure has met statutory clerical requirements
with respect to its filing.

MS. STROUD: Ms. Jennings.
CHAIR BENNETT: Ms. Jennings, can we get a response on whether or not the proponent of the proposed measure has met the statutory clerical requirements?

MS. JENNINGS: Yes.

MS. STROUD: Ms. Jennings, if you could just talk about when the measure was filed, when (audio interference).

MS. JENNINGS: Okay. Good morning, everyone. My name is Terrica Jennings, and I'm an attorney with the DC Board of Elections. The measure was brought to the Board on July 14th, 2020 and published in the DC Register on July 31st, 2020. The initiative was submitted in the proper form, i.e., it was accompanied with or contained an affidavit containing the proposer's name, telephone number, residence address, and a statement that they are required -- they are registered, qualified (audio interference) in the District.

Additionally, the proposer submitted the requested typewritten copies of the full text
of the measure, a summary statement of no more
than 100 words, a short title of the measure as
well as a copy of the verified statement of
contributions. As it relates to the verified
statement of contributions, that was filed with
the Office of Campaign Finance on July 13th,
2020.

MS. STROUD: Thank you, Ms. Jennings.

CHAIR BENNETT: Okay. Is the -- are
there any comments from the proponents?

MS. STROUD: I just want to state for
the record that there -- we'll get to the
proponents next, but I just wanted to state for
the record that we did get an opinion from the
Office of Attorney General, and the opinion
indicated -- and that will be submitted for the
record, and I believe that the proponent, Ms.
Dawn Lee-Carty received the Office of the
Attorney General's opinion. We will provide you,
Ms. Carty, with a copy of the opinion that was
filed by the Office of the Attorney General, and
it will be submitted for the record. But the
Office of the Attorney General did find in its opinion that the measure was not a proper subject of initiative. And I'll read into the record what the -- in part, what the Office of the Attorney General's opinion said.

The Office of the Attorney General indicated that the measure was an impermissible law appropriating funds because it impermissibly interferes with the process of allocating revenue among agency activities. It would forbid law enforcement agencies from allocating revenues toward certain purposes such as investigations involving cannabis and cannabis oil. It would also require the District Government to spend funds immediately towards new purposes and programs, like the retraining of canines, the return of seized property, and the creation of a new execution board. In each of these respects, the measure would impermissibly interfere with the management of the financial affairs of the District.

Additionally -- well, actually, that's
-- you'll receive the whole record, and then
we'll -- I mean the whole statement of the
Attorney General, and it will be submitted for
the record, but that is the most significant part
in which the Attorney General indicates that he
finds that the measure is not a proper subject
for initiative.

And so now we will hear from the
proponents of the measure beginning with Ms.
Carty -- Ms. Lee-Carty, who filed the proponent.
And as the chair indicated, individuals will be
provided with two minutes for testimony. Star 3.
Ms. Carty, are you present?

MS. LEE-CARTY: Can you hear me?

MS. STROUD: Yes, we can. We can hear
you Ms. Carty.

MS. LEE-CARTY: Hello?

MR. FAGAN: Yes. They can hear you.

Go ahead.

(Audio interference.)

MS. STROUD: Okay. Well, Ms. Carty,
the name on your handle for the WebEx says Kyla.
Is that you?

MS. LEE-CARTY: Kyla Hill.

MS. STROUD: I just want to make sure that's you hear me effectively, so I can begin to start. Ms. Kyla, we're getting a lot of feedback from you, so do you have a cell phone close by or something that might be what's causing the feedback, so if somebody could -- you could turn one of the devices off, maybe that will help.

Okay. We can hear you, Ms. Carty. You can give your testimony.

MS. LEE-CARTY: Okay. Thank you very much. Good afternoon, Board. My name is Dawn Lee-Carty, Executive Director of the Modern Day Cannabis Justice Reform. It's unfortunate that we never received the oppositions letter from the OAG. However, we were made aware of it one day before this meeting. In our initiative, we have four different measures in which we do not plan to use the appropriations of Washington DC's money in order for this initiative to be effective. We have devised a way that we can use
our own cannabis taxpaying money to make this
benefit the Washington, D.C. client.

As far as the Office of the Attorney
General's position with our initiative being out
of order, the Office of the Attorney General,
Karl Racine, and 25 other attorney generals wrote
a letter to the FDA in July of 2019 in which his
major concern was that there was a mislabeling of
medical cannabis products that were sold at a
dispensary. His major concern was also the
product's safety, and his last concern was also
the mislabeling and potential harm. That was the
quality strong word that used potential threats.

I have a 12-year-old daughter who
suffers with frontal lobe epilepsy. She would
have up to 65 seizures a day. She's been
medicating with 17 different pharmaceuticals in
her lifetime. And in 2015, my daughter, Zoe,
began medicating with CBD oil. Zoe went from
having 65 seizures a day to being 85 percent
seizure free because of CBD therapy. However, in
September of 2019, Zoe made law in Washington,
D.C. which allowed all school-age children with chronic illnesses and licensed medical cannabis patients to be allowed to medicate in Washington, D.C. school grounds.

We were forced to then submerge into this medical cannabis program and four months, only four months after five years of being pharmaceutical free, hospital free, and strictly plant medicine, CBD, four months into my daughter being introduced into Washington, DC's medical cannabis program, she ingested a tainted bottle of CBD oil that contained piperonyl butoxide. I know you nothing about the science, but piperonyl butoxide is a derivative of safrole oil, better known as ecstasy.

My daughter lost -- stopped breathing for a minute-and-a-half, was rushed to DC Hospital, and was admitted into ICU for six days for ingesting an unregulated product sold in a licensed dispensary here in Washington, D.C.

So I reached out to Office of Attorney General six months since this incident,
especially since he wrote this letter and had it co-authored by 25 other AGs, and to no avail. For him to stand today and not to even listen to why we are here today, to the reasons that we suggest in this proposal how this initiative can allow Washington, D.C. to grow as a whole is actually an insult to me.

My daughter currently no longer medicates with any products near Washington, D.C. because it's unregulated.

So for this opposition standpoint of view is to be to stop the progression for social equity of Washington, D.C., to stop the progression of over policing in Washington, D.C. strictly because he's worried about how the funding will be allocated, it is detailed in our mission how you, as a Washington, D.C. government as a whole, do not have to invest any money into a program which will benefit not only the patient but decrease the risks of public safety and encourage all the cherry picked big money interests that are in Washington, D.C. to be
accountable to produce clean medicine for people like my daughter and others who need clean medicine to live. She's six months now and unable to walk up and down stairs by herself.

Enough about Zoe and enough about the attorney -- Office of Attorney General. Just --

MS. STROUD: Okay. Thank you, Ms. Carty.

MS. LEE-CARTY: -- July --

MS. STROUD: -- exceeded the time provided, so we need to hear from the rest of the witnesses.

MS. LEE-CARTY: Sure.

MS. STROUD: Okay.

MS. LEE-CARTY: Our next --

MS. STROUD: Thank you --

MS. LEE-CARTY: -- witness is -- thank you very much.

MS. STROUD: Do you have --

MS. LEE-CARTY: I'm sorry?

MS. STROUD: We have on the list that you provided us, the next witness is Major Neill
Franklin.

MS. LEE-CARTY: Yes, Major Neill Franklin.

MR. FRANKLIN: Yes. Can you hear me?

(Simultaneous speaking.)

MS. LEE-CARTY: Yes, he is. One second, please.

MR. FRANKLIN: Hello. Can you hear me?

MS. LEE-CARTY: Okay. He's there.

MR. FRANKLIN: I'm here.

MS. STROUD: Okay. Thank you, Mr. Franklin. You have two minutes.

MR. FRANKLIN: Sure. I'll be brief. My name is Neill Franklin. I'm a retired major with the Maryland State Police, but I'm currently the Executive Director for the Law Enforcement Action Partnership, and I think it's important for you to know that we're a national organization of police, prosecutors, judges corrections, and more working to improve public safety by dramatically reforming public policy.
And this is a very important piece of public policy. So this national organization of thousands of members in those disciplines that I mentioned are supporting the Modern Day Criminal Justice and Cannabis Reform Act of 2020.

It's imperative that we work diligently to improve policy community relations. That is extremely important to improving public safety. Ending stop and frisks relative to cannabis is absolutely necessary, and we're beginning to realize this in our states across the country where we're making these reforms.

Making people whole is also necessary for improving public safety, correcting their criminal records, expunging their criminal records, doing whatever we can to make people whole again so they can become employed and support themselves and their family. Economic stability is extremely important for improving public safety.

So therefore, as such, the Modern Day Justice Cannabis Reform Act is necessary,
necessary for improving public safety. We have many members within the District. I'm the national representative for the organization and again, we support this Act. Thank you very much for allowing me to speak today.

MS. STROUD: Okay. Thank you. Next on the witness list, we have Kyla Hill.

MS. HILL: Can you all hear me today?

MS. STROUD: Okay. Yes, Ms. Hill, we can hear you.

MS. HILL: I am here with Ms. Dawn Lee-Carty. I am the Deputy Director of Modern Day Cannabis Justice Reform, and I would like to share my support on this initiative by bringing to your attention the amount of disparities that we face in DC since similar initiatives have been proposed and passed.

In 2019 alone, we see 840 arrests. Of all of those arrests, over 83 percent -- that's about 694 -- were people of color. Cannabis prohibition puts a target on minorities and puts citizens at risk when marijuana is used as
probable cause. When people are arrested and prosecuted or held in jails under unfair conditions, unlivable circumstances, they're exposed to COVID, and not only that, they're oftentimes confiscated from their medication as well as pay money that they have on them at that time.

Now, a lot of times and most times they're not given their property back. They're not given their money back, and it is disparity to citizens of Washington, D.C.

It also creates a challenge for banking. As long as cannabis is prohibited by law, financial institutions do not allow people to bank. We've run into challengers as a nonprofit organization for simply having the word cannabis in our name.

So I'm asking you today to consider all of these different things that I've shared, that Ms. Carty shared, that Major Franklin shared to change the way that people live and to stop targeting people of color. Thank you.
MS. STROUD: Okay. Thank you, Ms. Hill. The next witness on the agenda Sebastian Medina-Tayac. Mr. Medina-Tayac, are you present? If you could indicate your presence by pressing star 3?

MR. TUCKER: Hello.

MS. STROUD: Mr. Medina-Tayac, if you could state your name and address for the record?

MR. TUCKER: My name is Kaleen Tucker. I'm here to give my testimony. In February of 2016 --

MS. STROUD: Hold on. Actually, we're looking for -- we have a witness that has already been submitted, so we're only taking witnesses that were already on the list that Ms. Carty provided. And so if Mr. Sebastian Medina-Tayac is not present --

MR. TUCKER: He's not --

MS. LEE-CARTY: Yes. Mr. Sebastian is also here. We're just getting him on now. Just one second, please?

MS. STROUD: So Mr. Sebastian Medina-
Tayac, if you could state your name and address for the record?

MR. MEDINA-TAYAC: Sure. My name is Sebastian Medina-Tayac. My address is 531 Fern Place NW, in Ward 4, Washington, D.C.

MS. STROUD: Thank you. You may proceed.

MR. MEDINA-TAYAC: I just wanted to offer very quick testimony in support of Modern Day Cannabis Just Reform. I am the Director of Impact at Eaton Workshop, Eaton Hotel downtown. I have a professional career but also, I am a home cultivator under Initiative 71. And I just wanted to bring to light some of the limitations of the bill as in -- some of the limitations of Initiative 71, the current framework for the decriminalization and legalization of cannabis.

Both through I-71 and in the medical market, I think the current structure only empowers people with access to millions of dollars and venture capital, and disempowers and criminalizes the legacy market and the people who
have been keeping this medicine accessible for decades, if not centuries. It's no secret that, you know, the legal market is being controlled by large corporations which are majority-owned by white people, and people of color such as indigenous people -- myself, I'm a member of the Piscataway Indian Nation, which is a tribe recognized by the State of Maryland, and our homelands encapsulate Washington, D.C. -- I'm being policed and criminalized based on how many seeds I put in the soil where my ancestors are buried. So it's a great historical injustice to criminalize and police communities of color on plant counts while access to this life-saving herbal medicine is being controlled and restricted by people who are price gouging, not unlike the pharmaceutical industry, and not to mention, as highlighted by the example of Ms. Dawn Lee-Carty's daughter, you know, these are not corporations that are implementing best practices to provide safe medicine to patients in the District.
So, therefore, I'd like to advocate for a model that is progressive, that empowers small business owners, empowers and decriminalizes people of color, and puts the power of this medicine in the hands of the people. And thank you so much to everybody for giving me some space to speak, and I appreciate your time today.

MS. STROUD: Thank you, sir.

The next witness on the agenda is Stacey Lewis. Ms. Lewis, are you present on the line? If you could press star 3 to indicate that you are present. Ms. Lewis?

MS. LEE-CARTY: Ms. Lewis is logging on as we speak.

MS. LEWIS: Hello?

MS. STROUD: Hi, Ms. Lewis

MS. LEWIS: Can you hear --

MS. STROUD: Can you please state your name and address for the record?

MS. LEWIS: Yes, ma'am. My name is Stacey Lewis. My address is 4921 Coral Street
MS. STROUD: Okay. Thank you. You may proceed.

MS. LEWIS: Oh, my goodness. Thank you for letting me speak. This issue means so much to me. I apologize if I get a little emotional. I've kind of been through a lot. Back in 2000 -- I'll start back in the year 2000. I was robbed and beaten in Washington, D.C. by a group of young men over -- when I was walking back from McDonald's on my way to the Metro. I developed severe PTSD to this issue, and I started taking medical cannabis. Like it literally saved my life. I was able to go to college. I was able to do things that were necessary to survive due to this medicine.

Fast forward a few years later, I was arrested for growing some plants back before the laws were changed. When I was sentenced, I was nine months pregnant. The judge did not care. No one cared. I ended up having a baby cuffed and shackled to a bed. My children were taken
from me.

It just doesn't seem like the punishment that I received fit the crime. You know, my growing my own plants kept me out of the black market. It kept me off the street. I was able to determine what -- you know, what went into my medicine that I grew. You know, I understand and take full responsibility for breaking the law, but I just don't think that having my children taken, having a baby cuffed and shackled to a bed is fair. You know, once these laws are changed, it's just so important to me that this never happens to anyone ever again over some plants.

Like this took me down the road to hell. Excuse me, but it did. I developed other addictions to other drugs just because I was so devastated. I tried to take my own life over losing my children. I'm sorry.

MS. STROUD: Ms. Lewis, I am so sorry to interrupt you, but the Board has to proceed expeditiously to conclude this hearing today, and
so if you have written testimony that you would
like to present, we will accept it for the
record. But we need to move onto the next
witness at this time. Thank you so much.

MS. LEWIS: Okay. Thank you.

MS. STROUD: Okay. Ms. TaeAndrha

Whisleman, are you present on the line? Star 3,
Ms. Whisleman, if you're present?

MS. LEE-CARTY: I'm looking for Ms.
TaeAndrha now. She's been on since 10:00.
TaeAndrha? Okay.

MS. STROUD: Okay. Ms. TaeAndrha

Whisleman, you may proceed. Thank you.
(No response.)

MS. STROUD: Ms. TaeAndrha Whisleman?
Okay. Until we can get Ms. TaeAndrha, we're
going to move to the next witness, Mr. Brennan

Woodson. Is Mr. Woodson on the line? Star 3,
Mr. Woodson, if you're on the line.

MS. LEE-CARTY: Mr. Woodson is on the
line.

MR. JACOBS: Did you say Rashad
Jacobs? I'm one of the witnesses also.

MS. STROUD: No. We're at Mr. Brennan Woodson.

(No response.)


So we're going to move to the next witness, Brandy Lorraine. Brandy Lorraine, are you present? Star 3 if you are present, Ms. Lorraine.

MS. LEE-CARTY: Brandy Lorraine is present as well as --

MS. STROUD: Okay.


MS. STROUD: If they could press star 3 so that we can find them on the line. What -- if you could indicate what number they're calling from so we can identify them.

MS. LEE-CARTY: Brennan Woodson is 240-346-1706.

MS. STROUD: We do not -- okay. Okay.

Mr. Woodson?

MR. WOODSON: Can you hear me?
MS. STROUD: Yes. We can hear you now. You may proceed. You have two minutes.

MR. WOODSON: Thank you. So I was just calling in for this directive to say that for me, personally, what this has done for me during COVID is kept me with a job. It's kept me employed. I've actually been able to take care of myself more during these times. I have family so this whole thing is very important to me. It's definitely helped my other fellow employees along during this time.

For me, I would say also just the stress level in the community, I feel like if we get this thing passed -- there's just a lot of tension and stuff going on around in this country, and if we can just try to keep it down and keep it peaceful and stuff like that, whatever it takes. So actually, for me, that's why it's important. To me, it's like I said, economically it's helped me and just the stress levels and anxiety that's going on in this world right now, I think that if we get this thing
passed, it's just a safer way for people to just
be able to enjoy whatever they need to enjoy and
relax and not be so stressed out during these
times. So that's just my part of it.

MS. STROUD: Okay. Thank you so much
for your testimony, Mr. Woodson. Ms. Lorraine,
are you on the line? Star 3 if you're on the
line so that we can see you raise your hand.

(No response.)

MS. STROUD: Okay, not seeing Ms.
Lorraine on the line. Is Michael Vidal on the
line? Mr. Vidal?

MR. VIDAL: Yes. I'm here. One
moment.

MS. STROUD: Mr. Vidal, if you could
state your name and address for the record?

MR. VIDAL: Hello. Can you guys hear
me?

MS. STROUD: Yes, we can.

MR. VIDAL: All right. This is Mike
Vidal. I'm actually a Virginia resident, but I
work in DC, and you know, I support this
initiative so, you know, people can safely get
their medicine or recreationally, they can get
what they need to relax. And, you know, I just,
you know, want everybody to be treated fairly.
You know, it's just a plant. Yes. That's all I
got. Sorry.

MS. STROUD: Okay. Thank you, Mr. Vidal. Ms. Lorraine, are you on the line?

MS. BRANDY: I am.

MS. STROUD: Okay. We'll hear from you
now. You have two minutes. Thank you.

(Simultaneous speaking.)

MS. STROUD: Could we have your name
and address for the record?

MS. BRANDY: Okay. My name is Lorraine Brandy. And my address is 19925 Wheelwright
Drive, Gaithersburg, Maryland. So I support the
cannabis ballot.

As far as the medicine, it works for
me. I have PTSD, and I have anxiety. And my
level of stress is really high. So I've already
went to the doctors. And I'm taking the CBD for
my pains in my joint.

    They told me that I have RA. So I
told them that I was smoking the marijuana and
how it helps for the pain. And they just sent me
to a different doctor so they can just analyze
the script.

    So I'm all for it because I know
personally that it helps me with the pains that I
have for me.

    As far as me knowing anybody who was
locked up in DC, I don't. My only experience
I've had with that is my son. He was arrested in
Montgomery County with two ounces.

    He has ADHD. It was his personal
weed. They locked him up. They gave me $1,000
bond to get him out since it was his first time.
We go to court in November.

    So I'm not too sure what's going to
happen with it. But right now we have a public
defender, and I explained to him that he uses it
for his ADHD. And we have documentation from his
doctor so he would be getting a medical card.
And his public defender assured me because he's getting a medical card that he should not get in as much trouble. But because I live in Montgomery County, it's illegal -- it's not legalized out there. So that's all I have.

MS. STROUD: Okay. Thank you, Ms. Brandy.

MS. BRANDY: Okay.

MS. STROUD: So thank you. The next witness is Jemilat Cherry. Ms. Cherry, are you present?

MS. CHERRY: I am. Can you hear me?

MS. STROUD: Yes, I can. Thank you. You have two minutes.

MS. CHERRY: Well, I'll speak very briefly. (Audio interference.)

MS. STROUD: Can you state your name and address for the record?

MS. CHERRY: (Audio interference) Northwest (audio interference). So very quickly, basically, cannabis has definitely helped me within my own personal life in that the day-to-
day without the recent COVID outbreak has been tumultuous in just dealing with life struggles. And cannabis has definitely provided me an outlet that's going to be healthy, natural and promotes better prosperity within my life. Even on a holistic level, thinking out things that are not necessarily over-the-counter medicine that cannabis can provide, you know, with ailments and information and things of that nature, that's definitely held true to me. So that will be my own personal testimony. Thank you.

MS. STROUD: Thank you. Next on the agenda is Tamon Thomas. Mr. Thomas, are you on the line?

MS. LEE-CARTY: Hold on one moment.

MS. STROUD: Star 3 if you are on the line, Mr. Thomas.

MS. LEE-CARTY: We just made a call with Ms. Thomas. She had to step off because of the wait so she's logging in now.

(Simultaneous speaking.)

MS. STROUD: So what we'll do is we'll
move on to Cecilia Porrata. And if we have time, then we'll go back to Tamon Thomas. Ms. Porrata, if you could raise your hand by pressing star 3?

MR. THOMAS: Tamon, Tamon is my name.

Hello?

MS. STROUD: Okay, Mr. Tamon. We'll hear from you now. If you could state your name and address for the record?

MR. THOMAS: My name is Tamon. My address is 21 T Street Northeast, Washington, DC.

MS. STROUD: Okay. You have two minutes, Mr. Thomas.

MR. THOMAS: How are you doing? So I just wanted to put in my two cents about the initiative and everything that it's passed for.

I personally have dealt with and still kind of deal with stress and a little bit of anxiety as well. And it wasn't until I was able to, you know, with my upbringing I wasn't always able to experiment to try different things to help with that. But it wasn't until recently that I was able to experience and understand the
benefits and the qualities that come with it.

And it wasn't just from, you know, a one-time thing, like, I was actually able to learn and do my own research into the entire hemp plant as a whole. And that within itself has really been able to help me to understand the various conditions and different ways and different avenues and different forms of hemp product that I could use to assist with that.

And so I think that's been one of the main things for me. And it's been one of the main drivers for me to, you know, get behind a movement like this. And so I just wanted to put my little two cents in and do what I can for the hemp community.

MS. STROUD: Okay. Thank you, Mr. Thomas. Is Ms. Porrata on the line, Cecilia Porrata. Hello? Yes?

MR. PATRICK: Yes, I'm here. Yes.

MS. STROUD: Is Cecilia Porrata on the line?

MS. PORRATA: Yes. How are you?
MS. STROUD: Okay. If you could state
your name and address for the record?

MS. PORRATA: Cecilia Porrata, 1908 9th
Street.

MS. STROUD: Okay. You have two
minutes. Thank you.

MS. PORRATA: Yes, ma'am. My first of
all my experience with discrimination (audio
interference) in terms of marijuana, I was an
abuse victim. And when the police got there, the
abuser was able to use marijuana as a reason for
me being thought as the aggressor, that I was a
crazed drug addict because I had marijuana, which
was not the case at all.

But as a result, it occurred marijuana
is a drug and use that as a way to charge me with
possession but with assault as well. And even
though it's decriminalized, you know, people are
more accepting it, it's still illegal. It's
still frowned upon. And people are still getting
in trouble for it. And not only getting in
trouble for that but adding extra charges, you
know, all behind weed.

And it's not fair for people who use

it for medication. We shouldn't have to only use

it for medication. It's not trusting that --

MS. STROUD: Ms. Porrata?

MS. PORRATA: Yes.

CHAIR BENNETT: Ms. Porrata, this is

Michael Bennett, the Chair. I am going to turn

the meeting over to Mr. Gill as the Chair, and he

will complete the hearing and chairing it

forward. So thanks so much. I'm sorry to

interrupt your testimony. So please continue.

MS. STROUD: Okay. Actually, Ms.

Porrata, your time is up.

MS. LEE-CARTY: Excuse me. Excuse me.

I'm sorry to disrupt you while you're speaking.

This is Dawn Lee-Carty. We have one other

witness testimonial that you could not hear. And

he's here. He's calling from a 757 area code, I

believe. Could you please allow him his two fair

minutes?

MS. STROUD: What's --
(Simultaneous speaking).

MS. LEE-CARTY: This is an 804 area code number. And I was told that this is open to the public.

MR. PATRICK: Can they hear me?

MS. LEE-CARTY: Can he please have his two minutes?

MS. STROUD: What is his name?

MR. PATRICK: Jay Patrick.

MS. STROUD: What is the witness' name?

MR. PATRICK: Jay Patrick.

MS. STROUD: Jay Patrick. He is not on the witness list. Ms. Carty, you had sent us a list of individuals who you had proposed to be on the witness list that you wanted to provide testimony for. And I don't believe that we've received any requests to be heard with respect to status from anyone else.

MS. LEE-CARTY: Yes. However, I was also informed, which is there has been a heavy lack of communication at the BOE that we could also have public witnesses. Can you hear me?
MS. STROUD: I can hear you.

MS. LEE-CARTY: Can you hear me?

MS. STROUD: Just to clarify, the Board -- when you asked me about individuals that were not on your list.

(Simultaneous speaking.)

MS. STROUD: When you asked me about a person that was not on your list, I informed you that the Board meeting does have a public section to it where members of the public are able to give their opinions or thoughts on anything that is going on in our Board meeting or that's on our agenda. And none of these individuals spoke during that period. However, I stated that we were going to be going by the list right now because --

MR. PATRICK: I wasn't aware of it.

(Simultaneous speaking)

MS. STROUD: -- After the meeting is over.

MEMBER GILL: Hey, Terri, this is Mike Gill. Terri, this is Mike Gill.
MR. JACOBS: And I also raised my hand.

MS. STROUD: Just one second, Mr. Gill, so that we can hear you. One moment.

MR. GILL: Terri, Terri, I think we're spending more time talking about it than the two minutes would have been to speak. If it's just one additional person, I think we can waive the list and hear from the individual person.

MS. STROUD: Okay.

MS. LEE-CARTY: Thank you very much for your consideration.

MR. PATRICK: Thank you.

MS. STROUD: I think there are --

(Simultaneous speaking).

MS. STROUD: Lord Jacobs, I think, wants to be heard and then the witness that Ms. Carty indicated.

MR. PATRICK: Jay Patrick.

MS. STROUD: We'll hear from those two individuals and then close the record for further testimony.

MEMBER GILL: That sounds good.
Thanks, Terri.

(Simultaneous speaking.)

MS. STROUD: Let's do Lord Jacobs first and then the next witness.

MR. JACOBS: Hey, good evening. My name is Rayson Jacobs. I'm at 1366 King Northwest in Washington, DC 20010.

MS. STROUD: Okay. You have two minutes, Mr. Jacobs.

MR. JACOBS: All right. Thank you. So basically at age 3, I was taken from my mother because at the time she was selling marijuana to help ends meet as well with two other jobs. And in that time period, I was placed in CSB custody where I was sexually molested by my foster brother for four years. I never felt safe to tell anyone about it until I was put back in my mother's custody.

And at that time, a therapist by the name of Rita Berman, who is a PhD, she took custody of me for four years. And she helped with my mental, so I wouldn't breakdown as I got
older. I would not.

From there, I went on to high school.

In my senior year of high school in Central-Hower High School in Akron, Ohio, I started getting flashbacks as if I was 3, 4 and 5 again getting raped by my foster brother. And, you know, I couldn't complete my classes or nothing like that. So they gave me Xanax and all these other drugs, you know, to help me with these things, and it just made me feel like a zombie.

I then was introduced to marijuana my senior year when I transferred to Chicago Falls High School.

When I started all those flashbacks and whatnot, they was gone. I wasn't having nightmares or anything about it.

I then went to college. I started going to grad school in Manassas, Virginia. I went into a store, bought a box of Swishers, like 24 of them, in a box. I was leaving. I got pulled over. It just so happened there was an officer behind me when I purchased these cigars.
I got pulled over. He found the weed in the car.

He said the reason he pulled me over because the incense that was in my air freshener was in my window sill hanging from the rear view mirror. He arrested me for possession of marijuana. I had 3.5 grams on me.

They put me on probation for four years and then also violated me and put me in jail for six months because I had a dirty urine of marijuana. I then was released. I couldn't get financial aid for my grad school in Manassas, Virginia, because of the marijuana charge on my record. However, I got a sponsor who helped me pay for partial of my grad school. I still have a year to go.

I'm currently running for City Council the next coming term. Not this November, but the next, to help with these issues. Because if marijuana was legal, I wouldn't have been taken away from my mother. You know, I never would have gotten molested in CSB system. I could have completed my masters four years ago, no, six
years ago.

You know, I had to transfer my papers just to get off probation within about a year so I wouldn't get violated for marijuana because I didn't want to live with the -- go through the day living through these memories of me getting molested on my day-to-day basis. I thank you for the time. I appreciate you guys. You guys are amazing.

MS. STROUD: Thank you, Mr. Jacobs. And now we'll hear from the panel witness party. And if you could tell me the name again, I would appreciate it.

MR. PATRICK: Jay Patrick.

MS. STROUD: Okay. Thank you. If you could state your name and address, again, for the record, Mr. Patrick, or just your address, that's fine.

MR. PATRICK: Oh, 1150 1st Street Northeast, Washington, DC 20002.

MS. STROUD: Okay. Thank you. And you have two minutes. Thank you.
MR. PATRICK: All right, yes. I just want to speak from my heart. From a person who has been harassed because of cannabis and who have been involved in the cannabis industry in DC, the District is both currently wasting time and resources harassing everyone getting from the economy shops, cannabis users and growers as well as missing out on a huge windfall that the city could benefit from by way of taxes by opening up the cannabis market to all that want to be involved, and I mean all, that means minorities, people that aren't risk corporations, that means people who don't have hundreds of thousands of dollars, that means people who just want to make some cookies to buy some clothes for their kids.

I have friends with family also who went into law enforcement. And they believe rough estimates are that most of their time is wasted looking for cannabis and traffic stops. This initiative addresses that. It's a waste of time and resources.

This is for departments that are
stressed in and frequently pay out overtime. Those resources could be given homeless prevention, mental health services and youth diversion programs, all of which will likely lower the violent crime rate in the District. And we all know we hear about murders and shootings and stuff like that all the time in DC and people wonder why aren't this stuff -- why aren't these issues being addressed?

Well, it's not being addressed because if you talk to people in law enforcement, they're wasting time on stuff like cannabis enforcement. And even in their proposed bill there have been -- and proposed recently in the past year or two, it still involves more police and enforcement.

We need to do something to bridge the gap between the police that are out there trying to protect us and the way people are viewing them. When combined with pop up vendors -- on the flip side of that, there's 30 and 40 brick and mortar businesses that do everything from cannabis giveaways, promotional gifting to high
value gifting in the cannabis world and then
approximately $4 to $5 million in taxes the City
is not taking in right now.

(Simultaneous speaking.)

MS. STROUD: Okay. Thank you, Mr. Patrick. Your two minutes has concluded. And so
we really appreciate your testimony.

If there are any individuals who
tested today that did not present witness
testimony, but would like to you may do so and
the Board will accept witness testimony through
5:00 p.m. this Friday for the record.

So we've heard from the proponents
with respect to the measures. Are there any
members that are on the line that are opposed to
the measure?

I did read a section of the Office of
the Attorney General's opinion, but if there are
any individuals on the line who would like to
speak in opposition to the measure, they may do
so now. Let me just -- you can raise your hand
by pressing star 3. Okay.
MR. AHMED: Hello.

MS. STROUD: Hello?

MR. AHMED: Hey, how are you?

MS. STROUD: Sir, what's your name and address, sir? And are you speaking in opposition to the measure?

MR. AHMED: Yes, ma'am. My name is --

MS. STROUD: Okay. What's your name and address for the record?

MR. AHMED: My name is Hani Ahmed. I'm from Southeast Washington, DC. I own a company called Black Egyptian DC as well. I'm LLC. I have been locked up a couple of times being at different events. And all I had was CBD.

Also, I have an illness, a couple illnesses. I also have seizures with a couple of times when they have locked me up. I have been on seizures, and they took my medication with the CBD and would not give me my medication. Everybody was looking at me closely.

MS. STROUD: So I just want to clarify for the record -- could you spell your name for
the record, Mr. Ahmed, your first and last name
for the record?

MR. AHMED: Sure. My first name is H-
A-N-I. My last name is A-H-M-E-D. And I'm also
born and raised in Washington, DC. And I have
been given the opportunity to do something with
my life and I did. I went ahead and I learned
about CBD and what it can do for me.

And I went with it. I was confident.
I didn't have a lot of stuff in my situation.
And in the four years of doing CBD, being in the
community, teaching other people about CBD, it
helped me out a lot and helped a lot of people.

How can the sponsors know what we have
(audio interference) CBD? They're not educated
enough to know what we have so they end up taking
it for themselves, and it's CBD. They got a lot
of my stuff sitting in the precinct. Every time
that I got locked up, in the video that officers
walked in the building without permission, and
somebody got roughed up. They just walked in.
Everybody --
MS. STROUD: Thank you, Mr. Ahmed.
Thank you for testimony. I just wanted to clarify are you speaking against the measure or for the measure?

MR. AHMED: Say that one more time, please.

MS. STROUD: Are you against the measure or are you for the measure?

MR. AHMED: I'm with the community. I have always been.

(Simultaneous speaking.)

MS. STROUD: Thank you.

(Simultaneous speaking.)

MS. STROUD: Again, I'm asking if there are any opponents that would like to be heard before we leave the testimony? If you could raise your hand by pressing star 3. Okay. Thank you. Board Member Gill, if you are -- or Mr. --

(Simultaneous speaking.)

MEMBER GILL: Yes. So, Terri, thanks. I think before we end the testimony, why don't I ask Karyn for a motion to go into executive
Before we do that, I think I want to give folks who are at the hearing an idea of the time frame here. So we're going to go into executive session to discuss all the matters that were presented earlier in the day as well as this referendum petition.

It's our expectation that we'll come back on the record around 3:45 today, and we'll vote on the record of the individual matters that happened before.

Now, Terri, you mentioned that the referendum petition record is open until 5:00 p.m. so we'll need to talk about whether we can vote if the record is still open. But for now, let me ask Karyn for a motion to go into executive session.

MS. STROUD: Before we do that, Mr. Gill --

MR. JORDAN: Excuse me, Mr. Chairman.

MS. STROUD: -- the Office of General Counsel has prepared --
MR. JORDAN: Excuse me, Mr. Chairman.

Mr. Chairman.

MS. STROUD: Mr. Gill, the Office of General Counsel is prepared to give you our recommendation with respect to whether the proposed measure presents a proper subject initiative before the Board goes into -- votes to go into executive session.

MEMBER GILL: Oh, I'm sorry, Terri. I didn't hear that before when you did Karl Racine's, and I was wondering why. But, yes, please go ahead.

MS. STROUD: Okay.

MEMBER GILL: So, Terri, if you're talking, we can't hear you.

MS. STROUD: Okay. Ms. Jennings will now present the Office of the General Counsel, the recommendations with respect to the initiative.

MS. JENNINGS: Good afternoon. This is Terrica Jennings for the Office of General Counsel. This initiative is not a proper subject
initiative. Under the terms of Title IV of the District of Columbia Home Rule Act, a measure is improper if it isn't consistent with the Constitution, the Home Rule Act for any nationally applicable federal law because the initiative power is no broader than the Council's own authority.

Due to Congressional interference, the District of Columbia cannot enact any regulatory framework for the sale or taxation of marijuana. So for now, marijuana cannot be sold or taxed. Subsequently, the Council cannot enact legislation that exceeds its own authority. So in plain language because the sale of marijuana is currently illegal federally, the District of Columbia cannot enforce legislation that allows it to be sold in the District.

Furthermore, this initiative seeks to appropriate funds and --

(Simultaneous speaking)

MS JENNINGS: -- Is improper. More specifically, this initiative is improper because
it includes provisions such as any resources currently in use for the purposes of investigating and proposing cannabis and CBD shall instantly be diverted towards violent crimes and murders as well as dogs who were previously trained to detect cannabis will be retrained to detect explosives, weapons of mass destruction and firearms so as to protect our schools, malls, mass gatherings from foreign and domestic terrorism.

And finally that every cannabiser will agree to donate or volunteer the equivalent of 4 percent of their revenue to the community. The initiative ostensibly intrudes upon the discretion of the Council to allocate District government resources in the budget process.

As the DC Council has previously explained in Hessey v. Board of Elections and Ethics, the power of the purse, which Congress has delegated to the District government remains with the elected officials of the District government and is not subject to control by
electorates to initiatives.

This matter is not a proper subject matter for initiatives. And I know earlier it was stated that the initiative would allow for the group to raise funds and allocate funds. However, to the extent that the Modern Day Criminal Justice and Cannabis Reform Act of 2020 would establish new funds through the sale of cannabis, et cetera, and direct how those funds are disbursed, the proposed initiative is an improper subject initiative even if the measure raises new revenues under current District laws.

MS. STROUD: Thank you, Ms. Jennings. So Board members Gill and Greenfield, the Board must form a recommendation with respect to the proposed initiative would be that the Board not accept it as a proper subject for an initiative because it does not present a proper subject because it appropriates funds and also on the basis of the other grounds cited by the --

MS. JENNINGS: U.S. Constitution.

MS. STROUD: -- U.S. Constitution --
MS. JENNINGS: And other federal laws.

MS. STROUD: -- and other federal laws.

MEMBER GILL: Thank you, Terri. All right. So we will take both general counsel's opinions under advisement as well as the testimony and the witnesses under advisement. We will go to executive session to determine and talk through these issues.

(Simultaneous speaking.)

PARTICIPANT: Any rebuttal, Mr. Chair?

MS. STROUD: So --

MR. JORDAN: Mr. Chair --

MS. LEE-CARTY: Mr. Chair, I would like to first speak first and foremost with -- you're saying that we are appropriating District government funds. What about the lack of regulations that you are getting in your pocket every day for a licensed dispensary with unregulated product?

What makes what we're doing or what we're fighting for any different than you guys are saying that we're against right now? How is
it that you can have a licensed dispensary sell
unregulated product and then put taxes on it if
you want to stop the residents who are
cultivators who care about the safety of a
patient?

You want them to say what we're doing
is wrong. But what you are doing, that's not
right either. This is medicine. And it's
unregulated. So why is it called the Medical
Cannabis Program?

I think we should reconvene. I think
we should step out for two hours. I think we
should all sit back and come back to this table
with the understanding. Because regardless of
the appropriations, we can revamp this writing so
it can benefit our community. However, how are
you going to ensure the public safety of patients
like my child and other patients that need this
medicine, and you're selling it unregulated.

There are 66 contaminants that are
supposed to be tested in a cannabis product. You
guys only test for three. Where are the
appropriations for that?

So I think that it's very unfair that
it's okay for you to do things not properly, not
in conformance with high medical care with
cannabis standard processes, but then you're
going to look down on my people, like 680,000
people up here in Washington, DC, and say that
we're out of the scope of appropriations. It's
not fair. So what makes what you're doing fair
to sell an unregulated product and call it
medical cannabis?

MEMBER GILL: Ma'am, I promise you I'm
listening. And I'm hearing your -- and I applaud
you for the passion you're bringing to this. But
I'm afraid that we are not -- it's a Board of
Elections people who are addressing your
immediate concern about who is selling what in
the District. All we can do is look at whether
the Petition is a proper subject matter. And
that's what we'll reflect on.

And your testimony has been very
compelling, and we will take that into
consideration. But we have very limited, you know, sort of writ in what we can address with this. Your concerns, I think, are compelling. But I'm afraid that we're not the office or the agency that can address them. We can only look at this petition and that. And we will give it its full consideration I promise you.

MR. JORDAN: Mr. Chair? Mr. Chair?

MEMBER GILL: I'm afraid we really do have to get to -- if we're going to address the issues that were on the agenda today, we have to get to them at some point.

MR. JORDAN: Mr. Chair. Mr. Chair.

MEMBER GILL: I'm listening.

MR. JORDAN: My name is Absalom Jordan. I've been on since 10 o'clock this morning based on the notice that was sent to us. You're saying you are going into executive session now.

I'm just trying to clarify the matter because the case of Patricia Carmon and I have not been heard. And if you're going in to debate the issues that are to be presented today, ours
is not one of them.

MEMBER GILL: Well, so let me pause there. And let's get Terri so she can talk about that.

MS. STROUD: Yes. Well, I will say, Mr. Gill, that the matters did not go before the Board because Ms. Armstead withdrew as a candidate and that's why those matters did not go forward despite being on the agenda.

MR. JORDAN: Excuse me. Excuse me. There's issues I wanted to raise with the Board whether she has withdrawn or not. And first of all, you haven't given us any indication that she has withdrawn. We don't know of anything in writing or anything where she's withdrawn. So, I mean, something should have come to us and saying that. But there were salient issues that we raised about Mrs. Armstead, and it's in this --

MEMBER GILL: Sir, it sounds like --

MR. JORDAN: Ms. Jennings --

MEMBER GILL: -- that when she withdrew her candidacy, I'm sorry you were not made aware
of that. But as the writ of the Board is to judge whether or not her name can go on the ballot, as soon as she withdraws her candidacy, any other actions or information about her is irrelevant to what the Board can act on. So I think that's why Terri --

MR. JORDAN: Can we get that in writing then because we have a right to go to Court? And the issue for us is you told us we had a hearing. We haven't been given information about this that she's withdrawn. And the reality is we're being put off because the salient issues that Ms. Jennings raised in her findings to me, there are some in Mrs. Patricia Carmon's that are relevant to the concerns we have. And we have not been given an opportunity to do it because you said because she's withdrawn, it makes the issue moot. And for us the issue is not moot.

MEMBER GILL: Well, let's do this. I'm sure that Ms. Jennings and Ms. Stroud can give you a formal declaration that she's withdrawn her candidacy. And we can at least get that to you.
MR. JORDAN: Yes, but I'm saying can
the Board --

MEMBER GILL: But if you've got other
issues, I would say --

(Simultaneous speaking).

MR. JORDAN: Can the Board give us a --
can the Board give us an opinion because this
will allow us to go into court, Mr. Gill, or
whatever your name is, and you know that, Mr.
Gill. I'm just saying for them saying it, the
Board hasn't taken any action on it, and the
action was scheduled by the Board. We need a
decision from you.

MEMBER GILL: I'm going to jump ahead
of Terri, and she can correct me if I'm wrong.
But I don't think there is any action we can do
on a candidate that's withdrawn. It's no longer
before us. Terri, am I correct?

MS. STROUD: Yes, that's correct, Mr.
Chair. But we can address Mr. Absalom and his
concerns. And this action of not having the
hearing go forward would not preclude Mr. Jordan
from going to court if he chooses to with respect to action that the Board has taken or not taken.
So he is not --

MEMBER GILL: Okay. Well, Terri, can I ask you --

MR. JORDAN: What I’m saying is that the Board needs to take action.

MEMBER GILL: -- and Ms. Jennings to take it offline with Mr. Jordan and explain how that works?

MS. STROUD: Absolutely, absolutely.

MEMBER GILL: That makes sense.

MS. STROUD: And so, Mr. Gill, if you and Ms. Greenfield would like to go into executive session to deliberate --

MEMBER GILL: Karyn, can I get a motion?

MEMBER GREENFIELD: Yes. I move that we go into executive session.

MEMBER GILL: Second. All in favor, Karyn?

MEMBER GREENFIELD: Aye.
MEMBER GILL: And aye for me, too.

Terri, thanks for letting us -- that means that we have now voted to go into executive session.

As I stated, our goal is to be back at 3:45. And we'll vote on the record for the matters that were raised earlier today. But I can't guaranty 3:45.

But you don't need to be on. All the matters that we vote on when we come back into the public session will have written determinations that will go out to all the parties that are involved. That's correct, Terri, correct?

MS. STROUD: That is correct.

MEMBER GILL: All right. Well, with that, I thank everyone for their patience, and we will return in just about an hour.

(Whereupon, the above-entitled matter went off the record at 2:55 p.m. and resumed at 3:50 p.m.)

CHAIR BENNETT: All right. We are back online, and Mr. Gill is still in charge. So, Mr.
Gill, can you bring us back into session, sir?

MEMBER GILL: I make a motion that we leave executive session and come back to the public hearing.

CHAIR BENNETT: I second.

MEMBER GILL: All in favor, Karyn?

MEMBER GREENFIELD: Aye.

MEMBER GILL: Michael?

CHAIR BENNETT: Okay.

MEMBER GILL: And I'm aye. It's unanimous. We are now back in the public hearing.

So as we ended before we -- I mentioned that we'd come back at 3:45. And we came darn close to that timeline. I wanted to say at the start though, because I know we have a lot of different folks on the call with different matters, we are keeping the record open on the referendum petition until the end of day Friday.

Therefore, we want to take into consideration anything we get (audio interference) record on that. We're going to
wait until we get all the record in and then
we'll probably be setting a hearing for next week
to have a public vote.

We are going to have public votes on
the matters, ballot access matters. And with
that, I'll turn it over to Michael, and he'll
take us through the various ballot access
matters.

CHAIR BENNETT: Great. Thank you, Mr.
Gill, and thanks for managing all that. And we
are looking forward to additional matters on the
record for the new Modern Day Criminal Justice
Cannabis Reform Act Initiative of 2020.

All right. We're going to go through
the challenges for petitions for ballot access,
and I'm going to go one by one. And I'm going to
ask for a motion on each one. We've got the
record. We've also received recommendations from
the general counsel.

And so I'm going to start with Number
1, Cheryl Moore v. Anthony Muhammad. Could I get
a motion, Mr. Gill?
MEMBER GILL: I make a motion that we accept the general counsel's recommendation.

CHAIR BENNETT: And move forward with ballot access, right?

MEMBER GILL: And move forward with ballot access.

CHAIR BENNETT: Okay. Ms. Greenfield?

MEMBER GREENFIELD: I second.

CHAIR BENNETT: It was properly moved and seconded. Voice vote on ballot access for Anthony Muhammad, Mr. Gill?

MEMBER GILL: Aye.

CHAIR BENNETT: Ms. Greenfield?

MEMBER GREENFIELD: Aye.

CHAIR BENNETT: And aye as well. So it's unanimous.

Cheryl Moore v. Bruce Jones. Can I get a motion, Mr. Gill, with regard to the general counsel's recommendation for ballot access?

MEMBER GILL: I make a motion that we accept the general counsel's recommendation for
ballot access.

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

MEMBER GREENFIELD: I second.

CHAIR BENNETT: It was properly moved and seconded. Voice vote, Mr. Gill?

MEMBER GILL: Aye.

CHAIR BENNETT: Ms. Greenfield?

MEMBER GREENFIELD: Aye.

CHAIR BENNETT: Aye for me as well.

It's unanimous. Ballot access is granted for Bruce Jones.

The next matter, Michael Eichler v. Mary Sutherland. Can I get a recommendation for a motion from Ms. Greenfield relative to ballot access?

MEMBER GREENFIELD: I move that we grant the general counsel's recommendation and deny ballot access.

CHAIR BENNETT: Mr. Gill?

MEMBER GILL: I second.

CHAIR BENNETT: It was properly moved
and seconded that ballot access be denied. I need a voice vote. Mr. Gill?

MEMBER GILL: Aye.

CHAIR BENNETT: Ms. Greenfield?

MEMBER GREENFIELD: Aye.

CHAIR BENNETT: And aye for me as well.

It's unanimous. Ballot access denied.

The next one is Kathy Henderson vs. Sebrena Rhodes. Can I get a motion from Ms. Greenfield relative to general counsel's recommendation for ballot access?

MEMBER GREENFIELD: I move that we grant the general counsel's recommendation and grant ballot access.

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

MEMBER GILL: Second.

CHAIR BENNETT: It was properly moved and seconded. Now it's time for the voice vote. Mr. Gill?

MEMBER GILL: Aye.

CHAIR BENNETT: Ms. Greenfield?
MEMBER GREENFIELD: Aye.

CHAIR BENNETT: Aye for me as well.

It's unanimous. Sebrena Rhodes is granted ballot access.

Kathy Henderson vs. Bernice Blacknell, can I get a motion relative to the general counsel's recommendation, Mr. Gill?

MEMBER GILL: I recommend we accept the general counsel's recommendation to grant ballot access.

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

MEMBER GREENFIELD: I second.

CHAIR BENNETT: Okay. It's been properly moved and seconded. And can I get a voice vote, Mr. Gill?

MEMBER GILL: Aye.

CHAIR BENNETT: Ms. Greenfield?

MEMBER GREENFIELD: Aye.

CHAIR BENNETT: It's aye for me as well. It's unanimous. Ms. Blacknell is granted ballot access.
Ms. Greenfield, can I get a motion with regard to the general counsel's recommendation for John George in ballot access?

MEMBER GREENFIELD: Yes. I move that we grant the general counsel's recommendation and grant John George ballot access.

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

MEMBER GILL: Second.

CHAIR BENNETT: It was properly moved and seconded. Voice vote, Ms. Greenfield?

MEMBER GREENFIELD: Aye.

CHAIR BENNETT: Mr. Gill?

MEMBER GILL: Aye.

CHAIR BENNETT: Aye for me as well. It's unanimous. Ballot access is granted to John George.

The next matter is Matt Buechner v. Lisa Cox. Can I get a motion, Ms. Greenfield, relative to the general counsel's recommendation?

MEMBER GREENFIELD: Yes. I move that we accept the general counsel's recommendation
and deny ballot access.

CHAIR BENNETT: Second, Mr. Gill?

MEMBER GILL: Second.

CHAIR BENNETT: It has been properly moved and seconded. Time for the voice vote.

Mr. Gill?

MEMBER GILL: Aye.

CHAIR BENNETT: Ms. Greenfield?

MEMBER GREENFIELD: Aye.

CHAIR BENNETT: Aye for me as well.

It's unanimous. Ballot access is denied to Lisa Cox.

Detrick Campbell v. Jamaal Burton, can I get a motion relative to the general counsel's recommendation, Ms. Greenfield?

MEMBER GREENFIELD: Yes. I move that we accept the general counsel's recommendation and deny ballot access.

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

MEMBER GILL: Second.

CHAIR BENNETT: It was properly moved
and seconded. Voice vote, Mr. Gill?

MEMBER GILL: Aye.

CHAIR BENNETT: Ms. Greenfield?

MEMBER GREENFIELD: Aye.

CHAIR BENNETT: Aye for me as well.

It's unanimous. Ballot access is denied to Jamaal Burton.

Victoria Clark v. Rhonda Edwards-Hines. Can I get a motion, Ms. Greenfield, relative to the general counsel's recommendation?

MEMBER GREENFIELD: Yes. I move that we accept the general counsel's recommendation and deny ballot access.

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

MEMBER GILL: Second.

CHAIR BENNETT: It has been properly moved and seconded. Voice vote, Mr. Gill?

MEMBER GILL: Aye.

CHAIR BENNETT: Ms. Greenfield?

MEMBER GREENFIELD: Aye.

CHAIR BENNETT: Aye for me as well.
It's unanimous. Ms. Edwards-Hines is denied ballot access.

Barbara J. Clark v. Ira Lovelace, can I get a motion, Ms. Greenfield, for the general counsel's recommendation?

MEMBER GREENFIELD: Yes. I move that we accept the general counsel's recommendation and deny ballot access.

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

MEMBER GILL: Second.

CHAIR BENNETT: It has been properly moved and seconded. Time for the voice vote.

Mr. Gill?

MEMBER GILL: Aye.

CHAIR BENNETT: Ms. Greenfield?

MEMBER GREENFIELD: Aye.

CHAIR BENNETT: Aye for me as well.

It's unanimous. Ira Lovelace is denied ballot access denied.

Robin Hammond Marlin v. Nicole Smith-McDermott. Can I get a motion from Ms.
Greenfield relative to the general counsel's recommendation?

    MEMBER GREENFIELD: Yes. I move that we accept the general counsel's recommendation and deny ballot access.

    CHAIR BENNETT: Okay. Mr. Gill? We need a second.

    MEMBER GILL: Second.

    CHAIR BENNETT: It has been properly moved and seconded. Now it's time for the voice vote. Ms. Greenfield?

    MEMBER GREENFIELD: Aye.

    CHAIR BENNETT: Mr. Gill?

    MR. GILL: Aye.

    CHAIR BENNETT: Aye for me as well. It's unanimous. Ms. Nicole Smith-McDermott is denied ballot access.

    Robin McKinney v. Isaac Smith, Ms. Greenfield, can I get a motion with regard to the general counsel's recommendation?

    MEMBER GREENFIELD: Yes. I move that we accept the general counsel's recommendation
and grant ballot access.

    CHAIR BENNETT: Mr. Gill, can I get a
    second? Mr. Gill, we don't have you.

    MEMBER GILL: So I'm back, but I lost
    Karyn. What was the -- just so it's proper, what
    was her motion?

    (Simultaneous speaking.)

    MEMBER GREENFIELD: Do you want me to
    do it again?

    CHAIR BENNETT: Yes, please.

    MEMBER GILL: Please.

    MEMBER GREENFIELD: I move that we
    accept the general counsel's recommendation and
    grant ballot access.

    MEMBER GILL: I second.

    CHAIR BENNETT: It was properly moved
    and seconded. Time for the voice vote. Mr.
    Gill?

    MEMBER GILL: Aye.

    CHAIR BENNETT: Ms. Greenfield?

    MEMBER GREENFIELD: Aye.

    CHAIR BENNETT: Aye for me as well.
Isaac Smith is granted ballot access.

Latoya Moore v. James Butler, can I get a motion, Ms. Greenfield, relative to the general counsel's recommendation?

MEMBER GREENFIELD: Yes. I move that we accept the general counsel's recommendation and grant ballot access.

CHAIR BENNETT: Mr. Gill?

MEMBER GILL: That was to grant ballot access?

CHAIR BENNETT: Yes.

MEMBER GILL: I second the motion.

CHAIR BENNETT: Okay. It has been properly moved and seconded. Can I get a voice vote, Mr. Gill?

MEMBER GILL: Aye.

CHAIR BENNETT: Ms. Greenfield?

MEMBER GREENFIELD: Aye.

CHAIR BENNETT: And aye for me as well. It's unanimous. James Butler is granted ballot access.

Carlene Reid v. Ryan Washington, can
I get a motion, Ms. Greenfield, with regard to the general counsel's recommendation?

MEMBER GREENFIELD: Yes. I move that we accept general counsel's recommendation and grant ballot access.

CHAIR BENNETT: Mr. Gill?

MEMBER GILL: Second.

CHAIR BENNETT: It has been properly moved and seconded. Voice vote, Mr. Gill?

MEMBER GILL: Aye.

CHAIR BENNETT: Ms. Greenfield?

MEMBER GREENFIELD: Aye.

CHAIR BENNETT: And aye for me as well.

It's unanimous. Mr., I'm sorry, Ryan Washington is granted ballot access.

Jeannina Williams v. Stephen Slaughter, Ms. Greenfield, can you give me a motion with regards to the general counsel's recommendation?

MEMBER GREENFIELD: Yes. I move that we accept general counsel's recommendation and grant ballot access.
CHAIR BENNETT: Mr. Gill?

MEMBER GILL: Second.

CHAIR BENNETT: It has been properly moved and seconded. Voice vote, Ms. Greenfield?

MEMBER GREENFIELD: Aye.

CHAIR BENNETT: Mr. Gill?

MEMBER GILL: Aye.

CHAIR BENNETT: And aye for me as well. It's unanimous. Stephen Slaughter is granted ballot access.

Jillian Wolons v. Brandon Rye --

MEMBER GREENFIELD: Frye.

CHAIR BENNETT: Frye, I'm sorry. I missed a letter, Frye. Can I get a motion from Ms. Greenfield relative to the general counsel's recommendation?

MEMBER GREENFIELD: Yes. I move that we accept general counsel's recommendation to deny ballot access.

CHAIR BENNETT: Mr. --

MEMBER GILL: Second.

CHAIR BENNETT: -- Gill, second. Okay.
It has been properly moved and seconded. Voice vote, Mr. Gill?

MEMBER GILL: Aye.

CHAIR BENNETT: Ms. Greenfield?

MEMBER GREENFIELD: Aye.

CHAIR BENNETT: Aye for me as well. It is unanimous. Brandon Frye is denied ballot access.

We have no more items for the Board to consider relative to nominating petitions for ballot access. We have paneled the matters for the meeting addressed for today.

It's been a relatively long and arduous meeting. Can I get a motion to adjourn from Mr. Gill?

MEMBER GILL: I make a motion that we adjourn the public hearing.

CHAIR BENNETT: Ms. Greenfield, can I get a second?

MEMBER GREENFIELD: I second.

CHAIR BENNETT: It's been properly moved and seconded. Voice vote, Ms. Greenfield?
MEMBER GREENFIELD: Aye.

CHAIR BENNETT: Mr. Gill?

MEMBER GILL: Aye.

CHAIR BENNETT: Aye for me as well.

It's unanimous. The meeting is hereby adjourned.

Thank you so much.

MEMBER GREENFIELD: Thank you.

CHAIR BENNETT: Bye-bye.

(Whereupon, the above-entitled matter went off the record at 4:02 p.m.)
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CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Board Meeting

Before: DCBOE

Date: 09-02-20

Place: teleconference

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

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Court Reporter

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