

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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REGULAR BOARD MEETING

+ + + + +

WEDNESDAY

JANUARY 14, 2026

+ + + + +

The District of Columbia Board of Elections convened via videoconference, pursuant to notice, at 10:32 a.m. EST, Gary Thompson, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

GARY THOMPSON, Chair  
KARYN GREENFIELD, Member

BOARD OF ELECTIONS STAFF PRESENT:

TERRI STROUD, General Counsel  
CECILY COLLIER-MONTGOMERY, Director of Campaign Finance  
ALICE MILLER, Senior Advisor  
WILLIAM SANFORD, General Counsel, Office of Campaign Finance

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1 P-R-O-C-E-E-D-I-N-G-S

2 10:32 a.m.

3 CHAIR THOMPSON: It's our regular meeting  
4 here in January. My name is Gary Thompson, the  
5 Chair of the Board of Elections. And with us here  
6 today is Karyn Greenfield, my fellow Board member,  
7 so we have a quorum.

8 A few quick housekeeping matters, we've  
9 each had a chance to review the agenda for today's  
10 meeting. And at this time, I would move we adopt  
11 that agenda.

12 MEMBER GREENFIELD: I second.

13 CHAIR THOMPSON: All right, all in favor?

14 MEMBER GREENFIELD: Aye.

15 CHAIR THOMPSON: All right, the ayes  
16 carry.

17 And also, we've each had a chance to review  
18 the minutes from our last meeting of December 3rd.

19 And at this time, I would move we adopt those  
20 minutes.

21 MEMBER GREENFIELD: I second.

22 CHAIR THOMPSON: All right, all in favor?

1 Aye.

2 MEMBER GREENFIELD: Aye.

3 CHAIR THOMPSON: The ayes have it.

4 And our Executive Director, Monica Evans,  
5 couldn't be here today. But we're very pleased to  
6 have Alice Miller, a longtime Executive Director,  
7 herself, of the Board of Elections, and now our  
8 Senior Advisor.

9 So, welcome, Alice.

10 MS. MILLER: Thank you. I'll present the  
11 report on behalf of the Executive Director for  
12 December 2025.

13 First, on December 15th, the Director met  
14 with representatives from Georgetown University  
15 McCourt School of Public Policy graduate students,  
16 committed to providing feedback on our ranked choice  
17 voting informational materials.

18 We wanted to publicly thank them for their  
19 assistance. They reviewed materials and modified  
20 them to make certain that members of the public would  
21 be able to understand and make them user friendly.

22 And that was very helpful.

1 I will indicate that they worked through  
2 the holidays to do this for us. So, we're very  
3 thankful to them for doing that.

4 On December 22nd, as many of you know,  
5 members of the senior staff, as well as the Chair,  
6 met with Mayor Bowser to discuss ranked choice  
7 voting. We discussed our outreach plans and the  
8 development of our draft regulations.

9 With respect to the voter registration  
10 rolls, in December, the Board of Elections  
11 registered 1,306 new voters and processed 2,818  
12 registration changes. In total, we prepared 4,124  
13 voter registration cards to be mailed.

14 Additionally, 98 registered voters moved  
15 out of the D.C., 49 voters canceled their D.C.  
16 registrations and registered with other  
17 jurisdictions, and 1,255 voters registered in D.C.  
18 after canceling their registrations in other  
19 states.

20 Online voter registration, we are  
21 continuing to register voters using the website  
22 portal.

1           To date, we have processed over 102,000  
2 applications using the portal. These include new  
3 voter registrations and updates to existing  
4 registrations.

5           Total non-citizen registrations is 962.

6       We registered one new non-citizen voter. Some  
7 non-citizens have been removed from the registry  
8 due to our list maintenance efforts. We are  
9 continuing our outreach in D.C. communities to share  
10 information about non-citizens voting in local  
11 elections.

12           2026 election cycle planning, as  
13 previously mentioned, we implemented the Automatic  
14 Voter Registration, AVR, Expansion Act, that was  
15 passed by the D.C. Council in 2022. Individuals who  
16 are eligible to register to vote will no longer be  
17 able to completely decline registration at the  
18 Department of Motor Vehicles.

19           The names of individuals who decline will  
20 be forwarded to the Board of Elections. These  
21 individuals will be placed into a pending voter  
22 registration status, and we will send them mailers

1 containing additional information. Those on the  
2 list may have their names removed from the pending  
3 list.

4 They may register, vote -- they may  
5 register to vote or they may do nothing at all. If  
6 they do nothing, they will receive a mail ballot  
7 for two general election cycles. The mail ballots  
8 will allow them to register and vote at the same  
9 time.

10 We are now maintaining a list of pending  
11 voters and we have begun sending mailers to them.

12 We have processed over 8,600 pre-approved  
13 registrations from DMV. As a result, we have added  
14 over 2,600 individuals to the pending voter  
15 registration list. We've also been able to process  
16 over 1,700 address changes.

17 We are also continuing to monitor  
18 legislation and information on the federal level.  
19 Legislation to repeal the Local Residents Voting  
20 Rights Amendment Act has passed the House.

21 Senate Bill 2636 prohibits individuals who  
22 are not citizens of the United States from voting

1 in elections in the District of Columbia. The  
2 Senate bill was introduced by Senator Britt, but  
3 there has been no further action.

4 Ranked choice voting, during the 2026  
5 election cycle, we are implementing ranked choice  
6 voting, RCV. We are developing informational  
7 materials and refining our voter education and  
8 outreach plan.

9 Specifically, we will provide educational  
10 materials and information to all eligible District  
11 voters explaining how RCV works, conduct hands-on  
12 demonstrations using voting equipment, collaborate  
13 with community organizations and groups to access  
14 their membership to expand engagement and outreach  
15 opportunities around RCV, and collect feedback from  
16 District residents on overall effectiveness and  
17 voter education efforts for RCV.

18 BOE outreach efforts will include  
19 postcards, a voter guide, online training tools,  
20 sample ballots, and dedicated information - and  
21 dedicated information lab at the BOE headquarters.

22 Mail ballots will also include information about

1 RCV.

2 We will attend ANC and civic association  
3 meetings. We will visit schools, senior  
4 facilities, libraries, the Department of  
5 Corrections, and rehabilitation centers. We plan  
6 to staff outreach events and conduct town hall  
7 meetings.

8 We will have in-person and virtual  
9 engagements with D.C. residents. We will have a  
10 contract with the Ranked Choice Voting Resource  
11 Center to assist us with implementation services.

12 BOE will focus our strategic -- we will  
13 focus our strategic efforts on all D.C. residents.

14 The target audiences consist of registered  
15 voters, pre-registered voters, and prospective new  
16 voters. Special emphasis will be placed on the  
17 following populations, communities with low voter  
18 registration, first-time and young voters, high  
19 school students, seniors and voters with  
20 disabilities, displaced and homeless citizens,  
21 voters with limited English proficiency,  
22 faith-based communities, residents of correctional

1 facilities.

2           There are also many online tools to assist  
3 with explaining RCV. The BOE website will have  
4 information dedicated to RCV, including mock  
5 ballots and frequently asked questions.

6           We will take mock ballots and voting  
7 equipment into communities. We will also make  
8 informational materials available to our community  
9 partners. Education will not end ahead of  
10 in-person voting. We will also be prepared to  
11 provide educational materials at vote centers.

12           So, as you see, we are trying to broaden  
13 our outreach and make certain that we have touched  
14 every population and every possible event for  
15 outreach to inform the voters about ranked choice  
16 voting.

17           The biennial mail canvas and list  
18 maintenance, we're actively engaged in list  
19 maintenance to ensure the accuracy and integrity  
20 of the voter registration database. This ongoing  
21 effort is critical to keeping the voter registration  
22 database accurate and includes identifying and

1 updating records for voters who have moved out of  
2 the District of Columbia, voters who have changed  
3 addresses within D.C., duplicate registrations, and  
4 deceased individuals.

5 As part of our biennial canvas, we sent  
6 two rounds of mailers to make sure the voter  
7 registration records are accurate.

8 During the first canvas mailer, a total  
9 of 153,407 non-portable mailers were sent to voters  
10 who did not participate in the 2024 general  
11 election.

12 The current responses include 2,829 voters  
13 who confirmed their addresses by mail, 2,877 voters  
14 who reported moving within D.C., 7,627 voters who  
15 moved out of D.C., 216 voters identified as  
16 deceased, 3,697 mailers labeled return to sender,  
17 and 12,164 mailers returned as undeliverable.

18 The second canvas mailer was sent to 21,983  
19 voters who did not respond to the initial mailer.

20 To date, the return mailers include 461  
21 address confirmations sent by mail, 38 voters who  
22 moved within D.C., 121 voters who moved out of D.C.,

1 32 voters identified as deceased, 1,687 mailers  
2 labeled return to sender, and 4,771 mailers returned  
3 as undeliverable.

4           With respect to the ERIC voter  
5 participation class activity, we're actively  
6 working with ERIC member states to renew cases and  
7 identify any potential instances of voters casting  
8 multiple ballots in D.C. and other jurisdictions  
9 or on behalf of a deceased individual during the  
10 2024 general election.

11           This review is part of our ongoing efforts  
12 to safeguard election integrity and ensure that all  
13 votes cast are valid.

14           Voter education and outreach, during the  
15 month of December, the Voter Education Outreach  
16 Division participated in ten outreach events on  
17 behalf of the Agency.

18           Events included engagement at the  
19 University of the District of Columbia and a voter  
20 registration drive with the John Lewis Voting Club  
21 at Luke Seymour High School.

22           The Division is also augmenting the

1 outreach plan for ranked choice voting. There is  
2 a lot of interest in scheduling of ranked choice  
3 voting outreach events.

4           The Election Worker Division is processing  
5 all election worker applications that have been  
6 received through our website or from outreach events  
7 and is preparing for the 2026 election cycle.

8           Specifically, the Division has updated the  
9 vote center operation manual for the 2026 primary  
10 election.

11           The Division has also drafted new language  
12 to align with materials added to the online training  
13 portal.

14           The Division has engaged our vendor to make  
15 enhancements to the election worker portal and has  
16 completed training scenarios for election worker  
17 training.

18           ANC vacancies, we currently have 13 active  
19 ANC vacancies for the 2025-2026 term. These  
20 positions are in different stages of being filled.

21           After candidate filing requirements are  
22 met, an open vote of registered voters of the

1 affected SMDs will be held during regularly  
2 scheduled ANC meetings.

3 And that concludes the Director's report.

4 CHAIR THOMPSON: All right, thank you very  
5 much. And I'll just highlight a few things.

6 January 23rd, which is coming up very soon,  
7 is the first date to pick up nominating petitions.

8 And it's also the date when our registrar will  
9 confirm the signature requirements, so, the latest  
10 data on the number of registered voters by ward,  
11 et cetera.

12 So, everybody will know the denominator  
13 that defines the numerator of 1 percent or 5 percent  
14 as the case may be. So, that's coming quite soon.

15 And then, only about a month later,  
16 February 23rd is the first day nominating petitions  
17 can be filed. There's a deadline of March 18th,  
18 a challenge period.

19 And then, soon enough, on April 24th is  
20 the lottery to determine the order of candidates  
21 on the ballot. And that's the day when we have a  
22 ballot. So, it's only a three-month window.

1           And a reporter asked me recently, three  
2 months, that seems like a really compressed period  
3 of time. Do you think you can do it? I said, well,  
4 it's -- this is what the BOE does every single  
5 election cycle. It's always a cycle. And yes, it  
6 is compressed.

7           And I'm always really blown away by the  
8 fact that the BOE steps up to it every time. And  
9 it's on a schedule that can't move.

10           I mean, I'm a trial lawyer, so, although  
11 our dates are important, things always get moved  
12 in court when they happen. They frequently get  
13 moved, but this is fixed in time.

14           So, you know, many thanks in advance for  
15 the team that's already working hard to get through  
16 this. A very busy period of time for us up until  
17 the time we have a ballot.

18           And then, of course, the game kind of  
19 shifts to more towards logistics and implementation  
20 of the election itself. So, there's a lot ahead  
21 of us.

22           And, finally, I just wanted to say thank

1 you publicly to Carla Garcia of our staff yesterday.

2 I was privileged to attend the naturalization  
3 ceremony at the District courthouse for people  
4 becoming U.S. citizens. It's quite moving.

5 Carla Garcia is there, I think, every month  
6 to help us communicate with our new voters, to  
7 register new voters. I stood at the table and a  
8 lot of people came by to submit some applications.  
9 It was really inspiring and moving. So, thank you  
10 to Carla for that good work.

11 And so, with those comments, I guess the  
12 next step here in our meeting today is the General  
13 Counsel's report from Terry Stroud.

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

15 I first wanted to also talk about what  
16 happened on Monday, which was that we certified the  
17 vacancy in the office of the at-large member of the  
18 Council.

19 The seat was vacated by Kenny McDuffie,  
20 and we did issue a call for a special election, which  
21 will coincide with the and so there'll be a separate  
22 calendar for that. It is online. And so, that'll

1 be happening in conjunction with the primary  
2 election.

3 And so, the first item on my agenda is  
4 rulemaking to amend Title 3 of the D.C. Municipal  
5 Regulations.

6 The first rulemaking is to Chapter 7,  
7 Chapter 10 -- Chapters 10 and 11, and Chapters 14  
8 through 17, and Chapter 99.

9 And these amendments are being made to  
10 establish regulations in support of ranked choice  
11 voting, which of course was enacted as a result of  
12 Initiative Measure Number 83, the Ranked Choice  
13 Voting and Open the Primary Elections to Independent  
14 Voters Act of 2024, and to clarify aspects of the  
15 nominating petition and ballot measure processing  
16 procedures.

17 And the rulemaking is being done on an  
18 emergency basis because, of course, ranked choice  
19 voting will be implemented in D.C. for the first  
20 time with the primary election.

21 And we wanted to establish the rules for  
22 that new way of voting in D.C. prior to the cycle.

1 And the additional regulations have to do with the  
2 processing of ballot measures and also nominating  
3 petition circulation activity.

4 And, of course, we wanted to get those done  
5 in advance of January 23rd, which as the Chair noted,  
6 is the date upon which candidates will pick up.

7 And initiatives are coming in fast and  
8 furious, it seems, these days. And so, we wanted  
9 to establish or clarify rules with respect to that.

10 And so, that -- and I think I'll move these in bulk,  
11 both of them.

12 And with respect to the second rulemaking,  
13 it is being moved on behalf of the Office of Campaign  
14 Finance, and so I will defer to Director  
15 Collier-Montgomery or Mr. SanFord, the General  
16 Counsel from the Office of Campaign Finance, to  
17 speak to those regulations.

18 CHAIR THOMPSON: Mr. SanFord, welcome.

19 MR. SANFORD: Good morning, Mr. Chair, and  
20 distinguished Board Member Greenfield.

21 On behalf of the Office of Campaign  
22 Finance, we respectfully request that the Board

1 approve the emergency and proposed rulemaking.

2           During the Board meeting on November 5th,  
3 the monthly meeting, the Board did approve proposed  
4 and emergency rulemaking for Chapters 30, 33, 37,  
5 42, and 43 of Title 3 of the District of Columbian  
6 Municipal Regulations.

7           The matter before the Board today is the  
8 Office of Campaign Finance's submission of  
9 emergency proposed rulemaking for Subsection 3017.7  
10 through 3017.9, which provides the schedule or  
11 required filing dates for the Fair Elections  
12 Program, and Subsection 4212.3 through -- 4212.2  
13 through 4212.3, which also amends the filing dates  
14 in that subsection to include the 10th day of the  
15 second month preceding the date of any election for  
16 a seat for a covered office.

17           And the 10th day of the first month  
18 proceeding the date of any election for a covered  
19 seat for any office in the District of Columbia  
20 government.

21           And so, we respectfully request that the  
22 Board approve this proposed and emergency

1 rulemaking.

2 MS. STROUD: And so, I would ask that the  
3 Board approve that these emergency proposed  
4 rulemakings, both the one submitted on behalf of  
5 the Board and the one submitted on behalf of the  
6 Office of Campaign Finance, be allowed to be  
7 submitted to the D.C. Register.

8 They will become effective today as they  
9 are emergency. And they will be published in the  
10 D.C. Register in the January 23rd, 2026 edition of  
11 the D.C. Register. But they will become effective  
12 today as a result of their being moved on an  
13 emergency basis.

14 And we will publish them on the Board's  
15 website. And we will receive comments on them, but  
16 they will become effective immediately.

17 And then, subsequently, we will issue a  
18 final rulemaking with respect to both of these. And  
19 so, I ask the Board to allow that adoption.

20 CHAIR THOMPSON: Okay. I will make the  
21 motion that we allow these regulations to be  
22 submitted to the D.C. Register where they will

1 receive further comment, noting that they become  
2 effective immediately as emergency rules.

3 I see we have 55 attendees, so just in case  
4 anybody needs to -- doesn't know the full  
5 background, our -- generally, we have election laws,  
6 like our election code. And the Voter Initiative  
7 which became law is one of those laws now.

8 So, regulations are the details of how we  
9 implement or apply those laws. And most of these  
10 regulations are with respect to ranked choice  
11 voting.

12 So, some of this is defined in the law,  
13 quite a bit of details is defined in the law, but  
14 we needed to be very precise in these regulations  
15 as to exactly how does ranked choice voting work  
16 when you can rank up to five candidates.

17 And there are certain scenarios where, if  
18 the voter doesn't rank or follow the instruction  
19 on ranking, whether that becomes an undervote and  
20 what happens in these various anomalous situations.

21 So, that's all laid out on these  
22 regulations. I've reviewed it carefully. I think

1 I can say dozens of people have reviewed it  
2 carefully, not just on our legal staff, but it's  
3 been made available to the Office of the Mayor and  
4 the D.C. Council that had vetted these as well.  
5 So, it's been well reviewed. And it's also open  
6 for further comment after publication and revision  
7 as needed.

8 So, I just wanted to assure everybody  
9 listening that this is happening after a lot of very,  
10 very detailed review by a lot of people.

11 So, for that whole preface, I'll restate  
12 my motion that we publish this in the D.C. Register.

13 And do I hear a second?

14 MEMBER GREENFIELD: I second.

15 MS. STROUD: And we'll take a roll call  
16 vote with respect to that.

17 Chair?

18 CHAIR THOMPSON: Chair votes aye.

19 MS. STROUD: Member Greenfield?

20 MEMBER GREENFIELD: I vote aye.

21 MS. STROUD: And with that, we will be  
22 submitting the rulemakings to the D.C. Register for

1 publication.

2           Again, they should appear in the January  
3 23rd version of the D.C. Register. And they will  
4 also be placed on the Board's website.

5           And the next item on my agenda are proper  
6 subject hearings. And, by way of background, and  
7 this is something you should all be familiar with  
8 because we've had several initiatives recently,  
9 here in the District, voters are allowed to permit  
10 directly in the legislative process via the right  
11 of initiative.

12           And the term initiative is defined in the  
13 District's Charter as the process by which the  
14 electors of the District of Columbia may propose  
15 laws, except for laws appropriating funds, and to  
16 present such proposed laws to the registered voters  
17 of the District for their approval or disapproval.

18           Pursuant to D.C. Official Code 1-1001.16,  
19 the Board, upon the receipt of a proposed initiative  
20 measure, must refuse to accept it if it determines  
21 that the measure conflicts with or seeks to amend  
22 Title 4 of the D.C. Home Rule Act, also known as

1 the District Charter, conflicts with the U.S.  
2 Constitution, has not been properly filed, was not  
3 accompanied by a timely filed, verified statement  
4 of contributions which consists of the measure  
5 committee's statement of organization, and the  
6 initial report of receipts and expenditures.

7           If the measure would authorize  
8 discrimination in violation of the D.C. Human Rights  
9 Act, would negate or limit a budgetary act of the  
10 Council, or would impermissibly appropriate funds  
11 under applicable D.C. Court of Appeals rulings.

12           And if the measure does not suffer from  
13 any of the aforementioned defects, it may proceed  
14 along the initiative measure process.

15           And so, as the Chair likes to say, the Board  
16 is not weighing in on the merits of a measure, but  
17 it's calling balls and strikes as to whether or not  
18 the measure meets these defined criteria.

19           And so, today the Board has before it two  
20 measures that it must assess to determine whether  
21 proper subject requirements have been met.

22           For each proposed measure, and there are

1 two today, we shall proceed as follows. I will just  
2 provide a brief procedural background with respect  
3 to each measure. We will hear, and this is -- of  
4 course, if it pleases the Board, we will hear from  
5 the opponents of the measure who have indicated that  
6 they wish to provide testimony, then from  
7 supporters, and ultimately with the proposer.

8           And I will share what the Office of the  
9 Attorney General and the General Counsel for the  
10 D.C. Council have stated with respect to these  
11 measures.

12           And they are both statutorily mandated to  
13 weigh in the advisory opinions on the subject of  
14 whether or not the measures meet proper subject  
15 requirements.

16           And if the Board chooses to, it may enter  
17 -- vote to enter into executive session to  
18 deliberate, or they may render their decisions  
19 orally from the dais. In any event, a written order  
20 will issue thereafter.

21           And the Board has received all supporting  
22 materials with respect to both measures and have

1 reviewed them, including, of course, the advisory  
2 opinion submitted by the Office of the Attorney  
3 General and the General Counsel for the D.C.  
4 Council.

5 And so, with that, the first measure is  
6 the Prohibiting Force Feeding of Birds Act of 2026.

7 This measure was filed by Proposer Katie Witt on  
8 December 11th, 2025.

9 The measure seeks to prohibit any person  
10 from force feeding a bird for the purpose of  
11 enlarging the bird's liver beyond normal size and  
12 ban the sale or distribution of any product  
13 resulting from force feeding a bird.

14 The measure is similar to one that was  
15 submitted previously and withdrawn as of yesterday,  
16 which it would have been classified as initiative  
17 measure or was classified as Initiative Measure  
18 Number 85.

19 It repeats that measure civil penalty  
20 provisions for violations of its requirements, and  
21 likewise mandates that the Department of Energy and  
22 Environment undertake enforcement of its

1 requirements.

2           Unlike Initiative Measure Number 85, this  
3 measure also includes a subject to appropriations  
4 clause. Both the OAG and the General Counsel for  
5 the Council provided advisory opinions on January  
6 6th regarding the measure. And both agreed that  
7 the measure met proper subject requirements.

8           And so, we received testimony by the  
9 deadline that the Board set for testimony to be  
10 received and request to speak.

11           And again, this is a measure that is  
12 similar to the initial measure regarding  
13 prohibiting force feeding of birds.

14           And the addition was that -- or the change  
15 was that it included a subject to appropriations  
16 clause intended to save it from being found to  
17 violate the prohibition against laws appropriating  
18 funds.

19           CHAIR THOMPSON: And I'll just add at the  
20 outset that, yes, we've reviewed this before. We  
21 had a hearing about it.

22           We discussed the add the subject to

1 language. It's been added. Both of the opinions  
2 have stated that it is, therefore, a proper subject  
3 matter. I'm inclined to agree.

4 And so, I just say that at the outset  
5 because there's a number of people lined up for  
6 testimony. I think we heard from all of you before.

7 You don't need to repeat what you said last time  
8 we were together.

9 You're, of course, welcome to testify, but  
10 maybe if you'd like you could keep it short.

11 I think we understand the situation. And I think  
12 we're probably inclined to proceed with approval.

13 So, but with that said, I'll let the  
14 General Counsel call on witnesses if they're here.

15 MS. STROUD: Okay.

16 CHAIR THOMPSON: And I also want to thank  
17 you for your patience and to our Counsel who talked  
18 about this with us last time. Thank you for your  
19 patience with the process.

20 MS. STROUD: So, the first witness is  
21 Anjali Baliga.

22 (No audible response.)

1 MS. STROUD: And again, these are  
2 individuals who have submitted testimony with  
3 respect to the measure and we have them and they  
4 are a part of the record.

5 I do not see Anjali Baliga on the list of  
6 attendees.

7 Next, we have Bina Greenspan.

8 (No audible response.)

9 MS. STROUD: George Cooper?

10 Okay, Mr. Cooper is -- hello, Mr. Cooper.

11 MR. COOPER: Hello.

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

14 MR. COOPER: Yes, my name is George  
15 Cooper. And my address is 3900 Cathedral Avenue,  
16 Northwest, Apartment 603A, Washington, D.C. 20016.

17 I did submit my testimony for the record,  
18 and it's substantially the same as the testimony  
19 that I gave before.

20 So, I respectfully save my time, given that  
21 you have the testimony already and I want to keep  
22 this meeting efficient.

1 Thank you.

2 MS. STROUD: Thank you, Mr. Cooper.

3 CHAIR THOMPSON: Thank you.

4 MS. STROUD: Next, we have Megan Abrego  
5 or Megan Hill?

6 (No audible response.)

7 MS. STROUD: Okay, Ronjan Sharampani?

8 (No audible response.)

9 MS. STROUD: Okay, Donna Gaitonde?

10 (No audible response.)

11 MS. STROUD: And finally, Sneha Swarub?

12 (No audible response.)

13 MS. STROUD: Okay, and those were the list  
14 of individuals who had requested to speak. And it  
15 appears they are not present or at least we did hear  
16 from Mr. Cooper. Thank you, Mr. Cooper.

17 And so, I guess at this time, we will hear  
18 from Cady Witt, the proposer of the measure.

19 Hi, Ms. Witt.

20 MS. WITT: Hello, can you all hear me?

21 MS. STROUD: Mm-hmm.

22 MS. WITT: Yes, thank you all so much for

1 your time. I also submitted my testimony  
2 yesterday. I'm glad that it sounds like we've  
3 changed it so that it is proper now.

4 So, I thank you all so much.

5 MS. STROUD: You're welcome, Ms. Witt.

6 I wanted to check and see whether or not  
7 there were any representatives from either the  
8 General Counsel for the Counsel or the Office of  
9 the Attorney General?

10 Of course, both submitted advisory  
11 opinions indicating that the measure met proper  
12 subject requirements, but I wanted to see if they  
13 were here and wanted to comment?

14 (No audible response.)

15 MS. STROUD: Okay, seeing no hands raise,  
16 Mr. Chair, I think at this time it would be  
17 appropriate to make a recommendation that the Board  
18 accept the Prohibiting Force Feeding of Birds Act  
19 of 2026 as presenting a proper subject for  
20 initiative, which would mean that it would proceed  
21 through the rest of the ballot access process.

22 CHAIR THOMPSON: Thank you.

1           Yes, the Chair so moves that the  
2 Prohibiting Force Feeding of Birds Act of 2026 be  
3 accepted as a proper subject matter for a voter  
4 initiative.

5           MEMBER GREENFIELD: I second.

6           MS. STROUD: Okay. And, with that, we'll  
7 take a roll call vote.

8           With respect to the motion, Mr. Chair?

9           CHAIR THOMPSON: Aye.

10          MS. STROUD: Madam Greenfield?

11          MEMBER GREENFIELD: Aye.

12          MS. STROUD: And with that, the measure  
13 is approved and a proper -- and a written order will  
14 issue shortly which reflects the Board's ruling  
15 today with respect to the Prohibiting Force Feeding  
16 of Birds Act of 2026.

17          The next proper hearing -- proper subject  
18 hearing concerns the D.C. Housing Modernization and  
19 Accessibility Act of 2026.

20          It was filed on December 1st, 2025.

21          The measure would, if enacted, immediately  
22 freeze rents for two years and in periods of high

1 inflation, lower the income qualification  
2 thresholds for housing under various statutes,  
3 change the number of different size multifamily  
4 units constructed under D.C. government housing  
5 programs.

6 And require that legislation mandating a  
7 plan for trackable, affordable housing, cover  
8 housing for the lower income households defined  
9 elsewhere in the measure.

10 In addition, the measure provides that its  
11 provisions will not take effect until they are  
12 funded in a Council budget.

13 Both the OAG and the General Counsel for  
14 the Council provided advisory opinions on December  
15 23rd. And both agreed that the measure did not meet  
16 proper subject requirements, focusing on a  
17 particular section of the measure that concerned  
18 funds established for housing.

19 And Mr. Chair, we do have a list of  
20 witnesses that are speaking concerning the measure.

21 And they are -- the individuals that are  
22 speaking in opposition are Eric Jones, Katalin

1 Peter, Patrick McAnaney, and Shawn Hilgendorf.

2 And we, oh -- and Erica Wadlington.

3 And if we could see whether or not Ms.  
4 Wadlington is present?

5 CHAIR THOMPSON: Yes.

6 MS. STROUD: Okay, Miss Wadlington, we'll  
7 hear from you.

8 CHAIR THOMPSON: And I'll just preface by  
9 letting everybody know, we've read the materials  
10 and I think we understand the issue. And having  
11 gone through these two advisory opinions closely,  
12 personally, I'm focused on the Section 4 issue.  
13 I mean, you can address other aspects of it, if you'd  
14 like.

15 The standards are subject to clause, and  
16 that address the Section 10 issue, but it's really  
17 this Section 4 issue, which is a little hard to  
18 follow, so maybe you can help me understand it  
19 better, because I think it all hinges on that.

20 MS. WADLINGTON: Completely understand.

21 Can you hear me?

22 MS. STROUD: Yes, we can.

1 MS. WADLINGTON: Perfect. Good morning,  
2 Chair Thompson and members of the Board and present  
3 staff. My name is Erica Wadlington. I am a D.C.  
4 resident and I serve as Vice President of Policy  
5 and Strategic Affairs for the D.C. Building Industry  
6 Association.

7 Thank you for the opportunity to speak  
8 today. You have my full statement, but I'll  
9 summarize in the time allowed, our comments.

10 So, I want to be clear from the outset that  
11 DCBIA, we're not here to debate the housing policy  
12 preferences. That is not today's question.

13 We understand that the question before you  
14 is whether the proposed measure is proper subject  
15 for the ballot under the D.C. Charter. And our  
16 testimony, it is not.

17 Under the Home Rule Act, the Council alone  
18 controls the District's budget. Courts and this  
19 Board have repeatedly held that initiatives cannot  
20 appropriate funds, cannot redirect revenues, or  
21 constrain the Council's discretion over fiscal  
22 decisions.

1           This proposal, in our testimony, does all  
2 three. First, the initiative directly interferes  
3 with the Housing Production Trust Fund, a special  
4 fund created and governed by statute. Section 4  
5 of this measure rewrites income eligibility bands  
6 and affordability requirements for Housing  
7 Protection Trust Fund funded projects.

8           That's not a policy suggestion, it's a  
9 voter mandated reallocation of how dedicated  
10 revenues must be spent.

11           The Court of Appeals has explicitly stated  
12 that initiatives cannot alter special funds in ways  
13 that delays, conditions, or redirects Council  
14 budget authority.

15           This initiative does exactly that by  
16 forcing the Housing Production Trust Fund dollars  
17 to serve different income targets than those adopted  
18 by Council and legislation, BSA subtitles, that is  
19 embedded into the approved financial plan.

20           Second, this initiative undermines the  
21 revenue streams that fund affordable housing. The  
22 Housing Production Trust Fund, which currently has

1 about \$100 million in FY '26 appropriated to it,  
2 is fueled by deed and recordation taxes. Those  
3 taxes depend on transactions occurring.

4 By imposing rental income caps or  
5 affordability mandates and perpetual covenants, the  
6 measure suppresses development activity and also  
7 transaction volume.

8 So, when transactions slow, the Housing  
9 Production Trust Fund revenue also shrinks. So,  
10 that's not speculative, it's mechanical.

11 An investment deep freeze like this one  
12 will do, doesn't just affect private sector builders  
13 and housing providers, it drains the actual public  
14 dollars in that special fund that the District  
15 relies on to build more affordable housing.

16 So, third, this initiative would eliminate  
17 budgeted revenue from District land dispositions.

18 The Council has already incorporated its  
19 land and ground lease proceeds into both the capital  
20 and operating budgets.

21 This measure rewrites the Land Disposition  
22 Act to require extreme affordability set-asides,

1 bedroom mandates, restrictions that materially  
2 would reduce land and value feasibility. But, at  
3 the same time, it also would impose new underwriting  
4 standards, modeling, and review obligations on an  
5 agency like DMPED without any further  
6 appropriations.

7 That combination of less revenue and more  
8 mandated work would directly constrain the Council  
9 and the Mayor's ability to execute its budget as  
10 it already has passed.

11 And then, lastly, this initiative as  
12 proposed would tie District revenues to the Consumer  
13 Price Index without Council review or adjustment.

14 By automatically freezing or capping rents  
15 based on CPI plus 6 percent, as this measure would  
16 propose, it forces revenue reductions that flow  
17 through property values and property tax  
18 calculations, again, without legislative action.

19 So, this Board already has held that  
20 initiatives may not bind future revenues to external  
21 economic indexes in a way that removes council  
22 discretion.

1           So, that is precisely what we would say  
2 this proposal does, removes that discretion and ties  
3 the Council's hand.

4           Finally, this initiative will create  
5 unfunded mandates. The agencies, even Office of  
6 Attorney General, would be required to restructure  
7 programs, expand compliance monitoring, and enforce  
8 new mandates. Yet no new funding is provided and  
9 no fiscal impact statement has been issued.

10           So, without a fiscal impact statement, and  
11 as we understand, the Board does not have one at  
12 this time, you would need a fuller record, too.

13           But even on its face, we believe the answer  
14 is clear. This proposal does not merely set housing  
15 policy, it rewrites the budget assumptions. It  
16 redirects dedicated funds. It conflicts and limits  
17 budgetary acts. It eliminates anticipated  
18 revenues and mandates new government spending. So,  
19 that would put it squarely outside the initiative's  
20 power.

21           For these reasons, we respectfully urge  
22 the Board to determine that the D.C. Housing

1 Modernization and Accessibility Act is an improper  
2 subject for the ballot and reject the proposal  
3 before you.

4           So, thank you for your time. I'm happy  
5 to answer questions.

6           CHAIR THOMPSON: Yes, that was really  
7 helpful, thank you.

8           I just have one question. Is there any  
9 doubt that the D.C. Council, if it wanted to, and  
10 I'm not saying whether they should or shouldn't,  
11 but they themselves could pass the same act to affect  
12 their own previous discretion?

13           MS. WADLINGTON: So, the Council could  
14 pass legislation to direct how it would like to do  
15 its housing production trust fund.

16           And it has, like I noted through its BSA  
17 subtitles, and it has, in the past, directed how  
18 it wants to move forward with land dispositions.

19           But that is not the discussion here. The  
20 discussion here is whether it is proper for an  
21 initiative. And the Council, in its authority, can  
22 do so, but as an initiative, the measure would not

1 be proper.

2 CHAIR THOMPSON: Yes, thank you so much.

3 I guess I asked that to underline that point, that  
4 this is a voter initiative which can't require  
5 appropriations. So, it's a different analysis and  
6 that's where we are.

7 So, appreciate that.

8 MS. STROUD: Next, we will hear from Eric  
9 Jones.

10 (No audible response.)

11 MS. STROUD: He was present. I see his  
12 name. Did you --

13 CHAIR THOMPSON: We're just looking for  
14 a name, but if you want, you can just raise your  
15 hand right away and we'll see it quicker, if Eric  
16 Jones was there.

17 MS. STROUD: He was there, I don't know  
18 what happened. Maybe he'll come back on.

19 CHAIR THOMPSON: We'll come back to him.

20 MS. STROUD: Okay, so, we will now hear  
21 from Katalin Peter.

22 MS. PETER: Hello?

1 MS. STROUD: And then, we'll come back to  
2 Mr. Jones.

3 MS. PETER: Hello?

4 MS. STROUD: Hi, Ms. Peter.

5 MS. PETER: Hello, can you hear me?

6 MS. STROUD: Yes, we can.

7 MS. PETER: Okay, excellent, thank you.

8 If I may begin, my name is Katalin Peter and I serve  
9 as the Vice President of Government Affairs,  
10 Residential for the Apartment, Office Building  
11 Association in Metropolitan Washington, D.C.

12 AOBA is the principal membership  
13 organization representing commercial office  
14 buildings and multifamily residential properties  
15 throughout the Greater Washington region. In the  
16 District alone, we represent nearly 120,000  
17 apartment homes.

18 AOBA's position is that the D.C. Housing  
19 Modernization and Accessibility Act does not fall  
20 within the scope of the power granted under the  
21 District of Columbia Home Rule Act and that it is  
22 an improper subject matter.

1           First off, the Home Role Act expressly  
2 withholds from the initiative process the authority  
3 to enact laws appropriating funds or otherwise  
4 intruding upon the Council's exclusive control over  
5 the District's budget and special revenue funds.

6           The District of Columbia Court of Appeals  
7 has consistently interpreted this limitation  
8 broadly, holding that extends to the full measure  
9 of the Council's role in the District's budget  
10 process.

11           An initiative, therefore, exceeds the  
12 initiative power, not only when it directly  
13 allocates dollars, but also when it reallocates  
14 revenues, alters the permissible use of a special  
15 fund, or constrains the Council's discretion over  
16 how public funds are deployed.

17           The proposed initiative does precisely  
18 that. Section 4 permissibly interferes with the  
19 Special Revenue Fund as it amends the Housing  
20 Production Trust Fund Act, which established the  
21 Housing Production Trust Fund as a Special Revenue  
22 Fund pursuant to the Council's express authority

1 under the Home Rule Act. Home Rule draws a clear  
2 line between direct democracy and budgetary  
3 governments.

4           While the initiative power is broad, the  
5 Charter reserves the Council the authority to make  
6 decisions regarding special funds and fiscal  
7 allocations to preserve the District's financial  
8 stability and democratic accountability.

9           Through legislation, it is the Council  
10 that determines how affordability is defined for  
11 trust fund assisted units and how revenues deposited  
12 into the trust fund are allocated among competing  
13 priorities.

14           The initiative overrides those  
15 legislative judgments by redefining income  
16 eligibility thresholds and narrowing the  
17 populations the trust fund may serve.

18           Changing the beneficiaries of a special  
19 fund materially alters the allocation of the fund's  
20 revenues.

21           Altering the permissible uses of a special  
22 fund is akin to reallocating public revenues and,

1 therefore, constitutes an impermissible  
2 appropriation by initiative.

3 We do not believe that the language subject  
4 to appropriations resolves this underlying defect.

5 Even when conditioned on future  
6 appropriations, an initiative may not dictate how  
7 a special fund may operate once funded.

8 The advisory opinions of both the OAG and  
9 the Office of General Counsel to the Council of the  
10 District independently reached similar  
11 conclusions, same conclusions.

12 Further, constitutional concerns, takings  
13 clause concerns, the initiative imposes an  
14 immediate two-year rent freeze and additional  
15 automatic freezes tied to inflation without any  
16 mechanism for individualized review, cost recovery,  
17 or relief tied to actual operating conditions.

18 Courts have recognized that rent  
19 regulations may constitute a regulatory taking  
20 where they prevent property owners from earning a  
21 fair return or force owners to absorb costs  
22 indefinitely.

1           Substantive due process concerns, the  
2 initiative imposes sweeping economic restrictions  
3 without findings tied to market conditions,  
4 administrative discretion, or a mechanism to  
5 account for property-specific circumstances.

6           Economic regulations that are arbitrary  
7 or disconnected from legitimate governmental  
8 interests raise serious due process concerns.

9           Finally, impairment of contracts, by  
10 retroactively limiting rent increases permitted  
11 under existing law and private agreement, this  
12 initiative also risks substantially impairing  
13 contracts, therefore, potentially triggering  
14 contract clause concerns.

15           For these reasons, AOBA submits that the  
16 D.C. Housing Modernization and Accessibility Act  
17 exceeds the lawful scope of the initiative power  
18 under the District of Columbia Home Rule Act and  
19 is, therefore, not a proper subject for an  
20 initiative.

21           Happy to answer any questions, and we thank  
22 the Board for their consideration and their time.

1 MS. STROUD: Thank you, Ms. Peter.

2 Mr. Chair or Member Greenfield, did you  
3 have any questions?

4 CHAIR THOMPSON: I hadn't thought about  
5 impairing contracts.

6 But does the existing have certain  
7 contracts that are fixed to the way it operates and  
8 is allocated now that would be, I don't know, changed  
9 or undermined if the initiative were to go through?

10 MS. PETER: Well, yes, because you  
11 potentially enter into contracts for a certain  
12 amount of rent for a year or two, depending, again,  
13 what the private agreement is.

14 So, if there were to go through, it could  
15 potentially interfere with a contract that's  
16 already in effect.

17 And we don't know the answers to that, but  
18 our opinion is that it touches close enough to it  
19 that it would be improper subject matter to go  
20 forward as a ballot initiative.

21 \*\*\*PART 1B\*\*\* 48:45 elapsed Part 1 audio

22 CHAIR THOMPSON: Okay.

1 MS. STROUD: I want to go back to Mr.  
2 Jones, if he is back on the -- Eric Jones?

3 (No audible response.)

4 MS. STROUD: Okay, not seeing him again.  
5 We'll go to Patrick McAnaney.

6 (No audible response.)

7 MS. STROUD: And you may proceed.

8 MR. MCANANEY: Good morning, can you all  
9 hear me?

10 MS. STROUD: Yes, and if you could just  
11 state your name and your business address for the  
12 record, if you are speaking on behalf of an  
13 organization or your residence address if not.

14 MR. MCANANEY: Yes, good morning.

15 My name is Patrick McAnaney, and I'm here  
16 representing Somerset Development Company.

17 We're a D.C. based affordable housing  
18 developer located at 5101 Wisconsin Avenue NW, Suite  
19 410, Washington, D.C. 20016.

20 You all have a copy of my written  
21 testimony, so I won't go into too much detail here.

22 But the core that I wanted to put some numbers

1 behind some of what's been discussed.

2           So, we tried to run some math both on the  
3 Housing Production Trust Fund, what these  
4 provisions would cost to the trust fund, as well  
5 as to public land dispositions to get some sense  
6 of the fiscal impact.

7           And our estimate, and I will stress here,  
8 it's actually a fairly conservative estimate, is  
9 that it would cost at least \$944 million over the  
10 next four years, just to give you all a sense of  
11 the scope of the fiscal impact of what this is  
12 proposing.

13           That's both based on increased cost to the  
14 trust fund for the lower income targeting, as well  
15 as the cost for public land dispositions for  
16 projects that are currently in the pipeline.

17           I also want to emphasize, there's another  
18 part of this initiative that deserves some  
19 attention, which is that the language of the  
20 initiative claims that by changing the income  
21 targets for D.C.'s affordable housing programs we  
22 will actually be reflecting actual median incomes

1 of D.C. residents, but that's not actually correct.

2 So, affordable housing programs are  
3 calculated based on median family income, which is  
4 a calculation that the Census Bureau and HUD work  
5 on together every year for metropolitan areas.

6 And so, the assumption herein is that the  
7 median family income in D.C. proper is lower than  
8 the median family income for the region, the  
9 Washington D.C. metropolitan region, which is  
10 actually the baseline that we currently use. But  
11 that is not correct.

12 So, the last page of my written testimony  
13 shows the calculations based on all of the  
14 jurisdictions included in HUD's annual calculations  
15 to show that the median family income in D.C., which  
16 used to be lower than regional, is now actually  
17 higher.

18 And so, the information there is  
19 technically incorrect.

20 And so, I think it is very important to  
21 draw that to your attention, that the claim and the  
22 language of the proposed initiative is factually

1 inaccurate and not based on actual data from the  
2 Census Bureau and HUD.

3 And that's it, thank you very much.

4 MS. STROUD: Thank you, Mr. McAnaney.

5 And next, we'll hear from Shawn  
6 Hilgendorf.

7 And if you could also state your name and  
8 your business or residence address, depending on  
9 how you're representing today?

10 MR. HILGENDORF: Absolutely. Can you hear  
11 me?

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

13 MR. HILGENDORF: So, my name is Shawn  
14 Hilgendorf and I'm here representing the D.C.  
15 Association of Realtors.

16 Good morning, Chair Thompson and members  
17 and staff of the Board of Elections.

18 I am, as I just mentioned, I'm Shawn  
19 Hilgendorf, Vice President of Government Affairs,  
20 the D.C. Association of Realtors, or DCAR. I'm also  
21 a resident of Ward 6.

22 DCAR is the District State Association of

1 Realtors and serves as the premier voice of real  
2 estate in D.C.

3 Our mission is to protect and promote the  
4 interests of our approximately 3,000 members and  
5 their clients who live and work in every ward of  
6 our city.

7 Thank you for the opportunity to present  
8 this testimony on behalf of the Association.

9 As you know, this Board must refuse a  
10 measure if the Board finds that it's not a proper  
11 subject of initiative or referendum, either because  
12 the measure presented would negate or limit an act  
13 of the Council of the District of Columbia pursuant  
14 to Section 446 of the District of Columbia  
15 Self-Government and Governmental Reorganization  
16 Act, or if it is a law appropriating funds.

17 Even with the recent changes in the  
18 re-filed version, the proposed initiative would  
19 still both negate or limit budget acts of the Council  
20 and appropriate funds as the term has been  
21 elucidated by the District of Columbia Court of  
22 Appeals and, therefore, must be refused.

1           District law requires the Mayor to submit  
2 a budget for each fiscal year that is prepared on  
3 the assumption that proposed expenditures shall not  
4 exceed estimated resources from existing sources  
5 and proposed resources, and which includes a  
6 multi-year plan for all agencies included in the  
7 District budget for all sources of funding for at  
8 least the four succeeding fiscal years.

9           The Council is then required to adopt by  
10 act that annual budget for the District of Columbia  
11 government.

12           The annual budget passed by the Council  
13 incorporates a number of special funds, including  
14 revolving funds that are both -- that both support  
15 designated expenditures and also receive revenues.

16           One of the most prominent examples of a  
17 revolving fund is the Housing Production Trust Fund.

18           The fund was established as a permanent  
19 revolving special revenue fund to issue both loans  
20 and grants to support housing production and to  
21 receive revenues from its own operation.

22           While recent public reporting has been

1 less consistent, reporting from fiscal year 2023  
2 reflected that the operation of the Housing  
3 Production Trust Fund generated \$22,490,854 in  
4 non-tax revenue from loan repayments, interests,  
5 and other sources.

6 Section 4 of the proposed ballot  
7 initiative before us would alter the scope of this  
8 special fund and directly impact the revenues relied  
9 upon for its operations by redefining eligible  
10 households and the required affordability levels  
11 for housing projects financed by the fund.

12 By altering the fundamental financial  
13 terms of projects financed by the fund, the  
14 initiative would require the allocation of District  
15 funding to different projects than currently  
16 contemplated under the law, change the amounts  
17 expended on each project, and impact the revenues  
18 received in repayments of loans on those projects  
19 as they move forward.

20 In *Hessey v. the District of Columbia Board*  
21 *of Elections and Ethics*, the D.C. Court of Appeals  
22 ruled that the charter places a special

1 responsibility in the Council with respect to  
2 special funds.

3           And that an initiative amending the  
4 Housing Production Trust Fund would have the effect  
5 of, quote, forcing the Council to use those funds  
6 in accordance with the initiative rather than in  
7 the discretion of the Council to meet District  
8 government needs, end quote.

9           As the currently proposed initiative  
10 substantially mirrors the effect of the initiative  
11 considered in Hessey on the Housing Production Trust  
12 Fund itself, it is our position that it must be  
13 refused.

14           In addition to its impact on special funds,  
15 Section 6 of the proposed initiative would have the  
16 impermissible effect of allocating funds as well.

17           Specifically, Section 6 purports  
18 increased mandates on developments resulting from  
19 the disposition of the District's real property.

20           The District regularly disposes of surplus  
21 real property in exchange for money or to advance  
22 public policy goals.

1           The Council has comprehensively  
2 legislated this distribution of public assets to  
3 balance potential revenues against affordability  
4 and other community benefits.

5           By increasing mandates on disposed  
6 properties, the initiative would necessarily reduce  
7 any revenues potentially received from their  
8 disposition in favor of allocating that lost value  
9 to achieve the affordability requirements of the  
10 initiative.

11           The Court, in *Hessey*, again, found that  
12 the laws appropriating funds limitation on the  
13 initiative power was intended to ensure that  
14 initiatives not, quote, interfere with the locally  
15 elected officials' decisions about how District  
16 government revenue should be spent, end quote.

17           As Section 6 would also have that effect,  
18 based on that section as well, we believe the  
19 proposed initiative must be refused.

20           Because both Sections 4 and 6 of the  
21 proposed initiative, as circulated for this  
22 hearing, are not a proper subject matter for an

1 initiative, the initiative as a whole must be  
2 refused.

3 If changes to the initiative are proposed,  
4 a subsequent initiative must be filed and a new  
5 hearing scheduled with adequate notice to ensure  
6 that any further changes result in a measure that  
7 is a proper subject for the ballot.

8 Thank you, Chair Thompson. I'd be happy  
9 to answer any questions that any of you may have.

10 MS. STROUD: Thank you.

11 And if we could just see one more time if  
12 Mr. Jones is back at the meeting, we'll hear from  
13 him.

14 (No audible response.)

15 MS. STROUD: It appearing that he is not,  
16 we will move on to the supporters of the measure  
17 and end with the proposer, Salim Adofo, or his  
18 Counsel, which I believe is present.

19 So, first, we will hear from Adam Eidinge.

20 MR. EIDINGER: Good morning.

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

1 MR. EIDINGER: Sure.

2 My name is Adam Eidinger, last name is  
3 spelled E-I-D-I-N-G-E-R.

4 And my address is 2448 Massachusetts  
5 Avenue NW, and that's ZIP Code 20008.

6 I'm the Treasurer for More Affordable D.C.

7 The matter before you really is to address  
8 the affordability crisis for working families here  
9 in the District.

10 While this point is irrelevant to your  
11 decision on this measure, I want you to know that  
12 this effort comes from people trying to do something  
13 to help the affordability crisis in the District.

14 I personally believe that landlords are  
15 getting too big a piece of the pie, and we're trying  
16 to reallocate that priority in our society.

17 The D.C. BOE should approve the D.C.  
18 Housing Modernization and Accessibility Act of 2026  
19 as a proper subject matter because it does not  
20 violate any provision of Title 4 of the D.C. Home  
21 Rule Act.

22 Specifically, there are no conflicts with

1 the U.S. Constitution.

2 The measure has been properly filed.

3 Our statement of contributions is up to  
4 date.

5 The measure doesn't violate the D.C. Human  
6 Rights Act, and the measure doesn't negate or limit  
7 a budgetary act of the District Council and doesn't  
8 appropriate funds.

9 I'd like to address the misleading  
10 advisory opinion presented by the D.C. Attorney  
11 General that relies extensively on an old lawsuit,  
12 *Hessey v. D.C. Board of Elections and Ethics*, which  
13 the D.C. Court of Appeals held that a proposed  
14 initiative was not a proper subject matter when it  
15 would, one, directly appropriate funds, two,  
16 require revenues be allocated to specific purposes,  
17 or three, intrude upon the Council's exclusive  
18 authority to decide whether and when, how much money  
19 to be spent.

20 Our initiative does none of those things.

21 The key rule from *Hessey* is that the initiative  
22 process cannot commandeer the Council's budgetary

1 authority, especially by maintaining allocations  
2 or earmarks outside the standard legislative  
3 appropriations process.

4 Section 4 of the initiative does not  
5 actually appropriate funds. Rather, and this is  
6 really important for the Board to understand this,  
7 this is what the battle is about, it simply changes  
8 who qualifies for a program, even one that's tied  
9 to a special fund.

10 This does not inherently remove the  
11 budgetary discretion of the Council. The Council  
12 can raise the funds or lower the funds. We're not  
13 telling them how much to spend.

14 We're simply saying, who qualifies for  
15 affordable housing?

16 And the current problem is that people that  
17 are relatively high income are getting the  
18 affordable housing, and people that are relatively  
19 low income are not getting the affordable housing,  
20 they don't qualify.

21 And so, who is this program really helping  
22 except to accelerate gentrification?

1           That's what we see happening.

2           So, we're trying to do something about it  
3 by changing the average median income for  
4 qualification from 120 percent to 60 percent.

5           That does not change the nature of how the  
6 fund is appropriated.

7           It does not change how much money we're  
8 going to spend on such a program.

9           It just changes who qualifies.

10           The ramifications are massive if this  
11 Board of Elections creates a precedent that  
12 determines that ballot initiatives which change who  
13 qualifies for a program are now not proper subject  
14 matter.

15           Such an unfair and wrong decision by the  
16 Board will present a chilling effect on future  
17 ballot initiatives because a wide swath of potential  
18 policy changes will become impossible.

19           As someone who has spearheaded five ballot  
20 measures over the last 12 years, I've witnessed how  
21 D.C. BOE's important qualification process has  
22 gotten more difficult for ballot initiative

1 proposers year after year.

2           If this Board refuses to approve our proper  
3 subject matter, they will be effectively  
4 undermining local democracy that is needed to break  
5 a legislative logjam in the District Council.  
6 Voters will be denied their due process to decide  
7 important matters.

8           If the Board determines we are not a proper  
9 subject matter, our campaign will likely challenge  
10 this improper decision by taking the travesty before  
11 the D.C. Superior Court.

12           In the meantime, this delay that we're  
13 experiencing makes this ballot access much harder  
14 to make the November election as intended.

15           So, we may be denied ballot access just  
16 by a delay because collecting these signatures is  
17 harder than ever.

18           I'm hopeful this Board will act  
19 independently and wisely reject the incorrect legal  
20 advice they're getting because, in the past, the  
21 Attorney General has acted as an arm of the Mayor  
22 opposing proper subject matters such as Initiative

1 71, where the Board voted to approve and rejected  
2 the Attorney General's flawed logic that opposed  
3 that measure.

4 So, I hope you will act independently, and  
5 I thank the Board of Elections for their  
6 consideration.

7 CHAIR THOMPSON: And thank you so much.

8 We will certainly act independently, you  
9 can count on that. And also, you know, I want to  
10 extend appreciation for the merits of what you're  
11 doing, but that, of course, is not what we weigh.

12 We're not -- I mean, I completely  
13 understand that housing affordability is a  
14 critically important issue in the lives of tens of  
15 thousands of people and families. And, I mean, I  
16 applaud you for your attention to the issue and this  
17 well may be something that the D.C. Council, you  
18 know, should consider.

19 You know, we're a step removed from that,  
20 obviously, trying to figure out whether this is a  
21 proper subject matter, namely whether it requires  
22 appropriations or not.

1           And in your description of the Hessey case,  
2 you used the phrase, an initiative cannot direct  
3 whether and when funds are spent. And it's the  
4 whether and when part that these opinions are  
5 focused on.

6           And I was trying to come up with an analogy  
7 in my head for this, it's almost like this fund is  
8 the reservoir of water that can determine what the  
9 flow rate is going to be for, you know, the release  
10 of water, when that water will be released, in what  
11 volume, et cetera.

12           And this initiative is like something that  
13 changes all that. It affects whether and when that  
14 water is discharged from the reservoir.

15           So it -- and these are revenue allocation  
16 decisions that have been made. So, it seems like  
17 it's a formidable point that this aspect of the  
18 initiative, the Section 4 aspect, would go to the  
19 heart of that whether and when use of this enormous  
20 fund.

21           And it's really within the bracket of that.

22       But --

1 MR. EIDINGER: May I respond?

2 CHAIR THOMPSON: Yes, please.

3 MR. EIDINGER: It's not whether or when,  
4 it's who. Okay? And we are only talking about who.

5 We're not saying don't spend the money  
6 that's in this fund. We're not saying when to spend  
7 the money. We're saying, who can get this support?

8 And, currently, it's going to people that  
9 are making 120 percent of it -- of the median family  
10 income. And we want to change that aspect.

11 It's about who. They are allocating it,  
12 the money will be spent.

13 CHAIR THOMPSON: And how --

14 MR. EIDINGER: And as far as these  
15 contracts, I just want to say, no one -- that needs  
16 to be responded to. These -- the landlords are free  
17 to exit the contracts. The landlords are free to  
18 sell the property to the residents who live in those  
19 buildings if it's no longer financially viable.

20 There's lots of other outcomes. And they  
21 are, you know, a matter of private concern, not  
22 public concern, because these are private entities.

1           They want to have it both ways and  
2 sometimes -- so, anyway, but I -- it's about who,  
3 Chairman, it's not about where and when.

4           CHAIR THOMPSON: Okay, thank you for that.

5       I guess, with that, is what's the difference if  
6 you change the who, you change the whether and when  
7 at the same time. They're intertwined, aren't  
8 they?

9           MR. EIDINGER: No --

10          CHAIR THOMPSON: Then you're -- the more  
11 funds are being drawn at a faster rate at different  
12 times when a different threshold triggers that.

13                So, you basically change the whole  
14 allocation structure of the use of this fund.  
15 That's -- you're changing -- it's like the input,  
16 basically, the who and you're -- it affects the  
17 output, but I think it seems obvious that the public  
18 should have a say over who can benefit from a public  
19 program.

20                And that has nothing to do with how much  
21 money we're going to allocate to that program. That  
22 just seems obvious to me. So, it may have to go

1 before a court.

2 CHAIR THOMPSON: Yes, well, I'll just say  
3 there's no doubt that the public should get to weigh  
4 in. One way they can weigh in is who they vote for  
5 on the Council, depending on whether that Council  
6 Member favors or disfavors the approach you're  
7 taking.

8 I mean, housing affordability is almost  
9 always an issue in any election here in D.C. So,  
10 there's certainly a pathway for voters to express  
11 their views on this.

12 I -- we're just trying to zero in on  
13 whether it can be in the form of an initiative.

14 MS. STROUD: And, next, we'll hear from  
15 Chris Otten. And if you could state your name and  
16 address for the record?

17 MR. OTTEN: Can you hear me? This is  
18 Chris Otten.

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

20 MR. OTTEN: Thank you, Ms. Stroud and  
21 Commissioners. I'm going to go off my testimony.

22 I believe you have my testimony in hand, correct?

1 MS. STROUD: They do have your testimony.

2 MR. OTTEN: Thank you so much. I direct  
3 commissioners to pages 5, 6, and 7, particularly  
4 6, of the attachment of the PDF.

5 So, at page 5 of the PDF, 6 and 7, you'll  
6 see the original law. And I want to -- and just  
7 bouncing off the ideas that the Chair just talked  
8 about, the whether, when, and, as Adam points out,  
9 the who. We are talking about -- the whether and  
10 when right now is affected by the ever-increasing  
11 area median income or median family income. It's  
12 functionally equivalent.

13 This program was started in 1988 at 50 and  
14 80 percent AMI, that's who we're serving. Whether  
15 the Mayor funds it and when the Mayor funds it, the  
16 who is being served at 50 and 80 percent AMI as per  
17 the original law. The original law was passed in  
18 '88.

19 In the subsequent 30-some-odd years, the  
20 AMI in this area has gone up 350 times. Okay? So,  
21 the who and the whether and when has drifted. It's  
22 a policy drift that the voters need to correct.

1 We would like to see the voters correct this policy  
2 drift.

3           So, I just want to re-frame this. Fifty  
4 and 80 percent AMI, you're talking about residents  
5 for a studio one-bedroom making \$65,000 to \$85,000  
6 a year would qualify for affordable units under this  
7 program. And it goes up every year.

8           So, when the original intent of this fund  
9 was for people truly making lower incomes, making  
10 the D.C. minimum wage, or less than, let's say,  
11 \$40,000, \$45,000 a year, the working class people.

12           Because the AMI has expanded and exploded,  
13 particularly in the last 15 years in the area, this  
14 policy is no longer the intent and purpose of the  
15 law. It's no longer reaching the who, the people  
16 who need it the most.

17           And the voters should get to correct that  
18 policy drift because it will bring the alignment  
19 back to the original intent and purpose of this law.

20           That is what this initiative is about, as I read  
21 it.

22           I know I wouldn't be able to afford the

1 affordable housing provided under this fund. I know  
2 most -- my neighbors, anybody making the minimum  
3 wage, would not be able to afford any affordable  
4 housing delivered under this fund. That is not the  
5 original intent of the fund. Voters should get to  
6 realign that.

7 Now, what doesn't change, the whether and  
8 when. What doesn't get changed here by this  
9 initiative is the whether and when.

10 Nobody can tell the Mayor -- no voter can  
11 tell the Mayor not to leave \$35 million on the table  
12 from the Housing Production Trust Fund from last  
13 year. Okay? She can still leave millions of  
14 dollars on the table.

15 The Council could quintuple the Housing  
16 Production Trust Fund in the next two or three years.  
17 Voters will not affect that.

18 Voters will not be able to stop the Council  
19 from zeroing out the Housing Production Trust Fund  
20 if this ballot initiative goes forward.

21 The Council and the Mayor have absolute  
22 full authority and control over the whether and when

1 this fund gets any money at all, or gets lots more  
2 money, or gets evened out every year.

3 It's the who that is being addressed here.

4 The people of the District of Columbia deserve to  
5 vote on whether or not to re-address the policy drift  
6 that has happened over the last so many decades.

7 It is no longer -- this fund is no longer  
8 serving its original intent and purpose.

9 The Council hasn't been moved because, as  
10 you heard from the opponents, those are the folks  
11 in the Council's ear and the Mayor's ear every day.

12 They're lobbyists. We are not. The voters should  
13 get a chance to address this policy drift.

14 We don't touch the allocation of the  
15 funding. We want to address who is it actually  
16 benefitting per the original intent and scope and  
17 purpose of this fund.

18 And I hope the Commissioners understand  
19 that a little better. And I'm happy to answer any  
20 questions.

21 CHAIR THOMPSON: Yes, that really helps  
22 me. That really focuses on the issue. And I really

1 care about getting the merits right here.

2 And if I hear what you're saying, the  
3 Council and the Mayor can choose basically how much  
4 money to put in this fund. They can zero it out.

5 They can add more.

6 But whatever goes into the fund, whether  
7 it's \$100 million or a billion dollars, changing  
8 the eligibility criteria, the who part of it, it  
9 certainly does mean that more dollars will have to  
10 flow out of the funds that are made available in  
11 this fund, I assume.

12 And I think the estimate we heard was \$944  
13 million over the next four years. I don't know if  
14 that number is spot on, but some extra amount of  
15 money would necessarily have to flow out of the fund  
16 if you changed the who.

17 MR. OTTEN: Commissioner, just to  
18 clarify, that wouldn't be the case. That would not  
19 be the case because it's every year despite the  
20 obvious need.

21 I mean, we have tens of thousands of people  
22 who need this funding, right? But only 300, 400,

1 500 people might benefit any given year, maybe 1,000  
2 people, even though there's a 10,000 person, 20,000  
3 person need.

4 So, the need is going to be there every  
5 year, unless the Council allocates a billion dollars  
6 or \$2 billion to get to that need in any one year,  
7 that need still exists.

8 So, it's -- this is -- it's not going to  
9 -- the changing of who isn't going to mean the flow  
10 of money goes out quicker or anything. It's the  
11 same amount of money that's going to go out. It's  
12 just who is eligible for that housing.

13 And is it a question of -- is it somebody  
14 making \$85,000 a year or is it somebody making  
15 \$45,000 a year? What is the original intent and  
16 purpose of this law?

17 And I think the voters should clarify the  
18 original intent which is for the people, the working  
19 class people, not single, wealthier professionals.

20 This was for working class people of D.C. and  
21 families.

22 CHAIR THOMPSON: Thank you so much.

1 MEMBER GREENFIELD: Can I ask just --

2 MS. STROUD: Well, next we will hear --  
3 oh, go ahead, Karyn, I'm sorry.

4 MEMBER GREENFIELD: Yes, yes, just along  
5 this line, just so I have an understanding, and I  
6 just want an understanding is, the discussion of  
7 -- the discussion around Section 4 is what you all  
8 are proposing and what you're saying is to  
9 basically, in the definitions they have for the  
10 eligibility thresholds, you're lowering the  
11 percentages of AMI? You're adjusting them, but  
12 they're lowering, is that not correct?

13 MR. OTTEN: That's correct, they're  
14 lowered to meet the policy drift of the last 30 years  
15 where the AMI, in the area, has exploded and is no  
16 longer serving the original intent and purpose of  
17 the law, the people who it was supposed to be for.

18 MEMBER GREENFIELD: Okay. But not  
19 factoring in just the cost of living in the area?

20 MR. OTTEN: Yes, it's based on this AMI  
21 metric, which is a HUD metric. And, unfortunately,  
22 that HUD metric includes some of the wealthiest

1 counties in the nation, Montgomery County, Fairfax  
2 County, Loudon.

3 And so, because of that, D.C.'s AMI hasn't  
4 kept up with the AMI of the area. And, therefore,  
5 when people talk about affordable housing in this  
6 city, it's for people who are wealthy, because it's  
7 based on this area median income.

8 So, again, I think the point of this is  
9 to allow the voters to address this policy drift  
10 that has been out of our control and is only being  
11 able to be controlled at the ballot, it seems.

12 MEMBER GREENFIELD: Okay.

13 MS. STROUD: Okay, next, we will hear from  
14 Kris Furnish.

15 And if you could state your name and  
16 address for the record?

17 MS. FURNISH: Hello, can you hear me?

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

19 MS. FURNISH: Hello, good morning, my name  
20 is Kris Furnish. My address is 3511 Davenport  
21 Street, NW. Thanks for letting me speak today and  
22 provide comments on the D.C. Housing Modernization

1 and Accessibility Act of 2026.

2 I'm here today to address the specific  
3 concerns raised in the Advisory opinions issued by  
4 the Office of the Attorney General and the General  
5 Counsel for the D.C. Council regarding Section 4  
6 of the proposed initiative, which amends the Housing  
7 Production Trust Fund Act of 1988.

8 I respectfully disagree with the  
9 conclusion that Section 4 renders the initiative  
10 an improper subject for the ballot.

11 Section 4 does not violate the Home Rule  
12 Act and is a proper subject for voter initiative.

13 It does not appropriate funds, require the  
14 expenditure of funds, or mandate a specific level  
15 of funding for the Housing Production Trust Fund.

16 Instead, Section 4 amends eligibility  
17 definitions. It basically just defines who may  
18 benefit from the HPTF assisted housing, if and when  
19 funds are used.

20 The funds already exist. It's already  
21 funded through legislatively determined mechanisms  
22 and is already subject to annual budget decisions

1 by the Mayor and Council.

2 So, Section 4 leaves those fiscal  
3 decisions entirely intact. It simply updates the  
4 income categories that already exist.

5 And voters are being asked whether the  
6 District's primary affordable housing program  
7 should prioritize households with lower incomes  
8 than it currently does.

9 This is not an administrative matter  
10 reserved to the executive branch. It's a  
11 fundamental policy choice about public purpose and  
12 equity. And it's precisely the kind of question  
13 the initiative process exists to address in the  
14 first place.

15 And, for those reasons, I respectfully  
16 urge the Board to reject the Advisory recommendation  
17 and determine that the proposed initiative is proper  
18 subject for placement on the ballot. Thank you.

19 MS. STROUD: Do you have any questions,  
20 Mr. Chair?

21 (No audible response.)

22 MS. STROUD: Member Greenfield, do you

1 have any questions?

2 MEMBER GREENFIELD: No.

3 MS. STROUD: Next, we will hear from  
4 Nikolas Schiller. And if you could state your name  
5 and address for the record?

6 MR. SCHILLER: Can you hear me okay?

7 MS. STROUD: Yes.

8 MR. SCHILLER: All right, Nikolas  
9 Schiller, 2448 Massachusetts Avenue NW, Washington,  
10 D.C. 20008. I appreciate having your time today  
11 to talk about the propriety of this valid  
12 initiative. You have my written testimony before  
13 you, and I'd like to talk about a few things.

14 I first want to address the idea of the  
15 vessel of water and the concept of appropriations.

16 And you can also think of that vessel of water as  
17 upstream or downstream. The appropriation process  
18 is the upstream side, filling that cup of water,  
19 and the downstream side is how that water is poured  
20 out, so to speak.

21 The real question at hand is whether this  
22 ballot initiative changes how that cup is filled.

1 That is an appropriation of funds.

2 In Hessey, they said, quote, the  
3 initiative right must conform to the structure of  
4 government established by Congress in the Charter.

5 This means that a measure which would  
6 intrude upon the discretion of the Council to  
7 allocate District government revenues in the budget  
8 process is not proper subject for initiative.

9 Now, I highlight in the budget process,  
10 because the D.C. Council has to provide Congress  
11 a balanced budget.

12 Nothing in this ballot initiative would  
13 change the ability or constrain the Council from  
14 providing Congress a balanced budget. That is the  
15 filling of the cup.

16 That cup was filled up to be \$100 million  
17 for fiscal year 2026.

18 This ballot initiative deals with how that  
19 cup is emptied.

20 And that does not constrain the D.C.  
21 Council's authority in any way whatsoever, because  
22 whether or not the funds are appropriate to the

1 Housing Production Trust Fund is up to the Council.

2 Whether -- how much money is going in is  
3 up to the Council, whether the Council wants to fund  
4 it whatsoever.

5 All those deal with filling that cup up.

6 Changing the eligibility is a policy  
7 choice, not an appropriation.

8 The Advisory Opinions err by equating  
9 eligibility criteria, aka, how that money is poured  
10 out of the cup, with budgetary mandates. And the  
11 expanse of this decision or this logic of using  
12 Hessey, which doesn't apply to this ballot  
13 initiative.

14 Hessey was -- dealt with two ballot  
15 initiatives, the Affordable Housing Act, which  
16 would require developers of office buildings to  
17 create -- to collect funds that would be used  
18 specific for the construction of low-income  
19 housing, that directed the funds out of the cup,  
20 so to speak.

21 And the Housing Now initiative of 1990,  
22 which would impose a surcharge and use that

1 surcharge to go into the Housing Production Trust  
2 Fund. That surcharge example is putting money in.

3 So, a ballot initiative cannot earmark  
4 money going into the cup, and a ballot initiative  
5 cannot force businesses to put money into a  
6 brand-new cup. Those are both why Hessey failed.

7 This ballot initiative strictly deals with  
8 how that cup is emptied. And the implications are  
9 far ranging.

10 We'll not be able to address so many issues  
11 before the people of the District. We can't change  
12 Medicaid eligibility. We can't change the D.C.  
13 housing program, the local rent supplement program,  
14 Emergency Rental Assistance Program, the Child Care  
15 Subsidy Program, the Temporary Assistance for Needy  
16 Families, the Housing Purchase Assistance Program,  
17 this Home Purchase Assistance Step-Up Program, the  
18 D.C. Tuition Assistance Program, D.C. Housing  
19 Vouchers.

20 We can't change eligibility for any funded  
21 programs. And the real thing is that the mechanisms  
22 of government all require the expenditure of funds.

1           And, essentially, by changing the  
2 eligibility of how that cup is emptied, we're being  
3 told, actually, you know what? You can't do that  
4 anymore. You'll never be able to do it.

5           Those changes are off the table for future  
6 ballot initiatives in the District of Columbia.

7 And what we're saying is, actually, no, it should  
8 be okay. The Council's discretion of how the money  
9 is allocated is not being changed. It's not being  
10 reallocated to put into other programs. The money  
11 is going into that cup, and all we're doing is  
12 changing how that cup is poured out.

13           So, I think the Board should reject the  
14 Advisory Opinions, and because they are expanding  
15 Hesse in a way that's not permissible. Hesse dealt  
16 with something very different than what we are  
17 dealing with today.

18           And I think that we should ultimately think  
19 of this as a shift in rationale of how ballot  
20 initiatives are going to be looked at in the future,  
21 because we're not going to try to limit how we are  
22 able to legislate.

1           And as was mentioned earlier, we can't --  
2 we can choose who we elect, but we also are taking  
3 away what we can do as citizens.

4           If a -- and what we also are dealing with,  
5 the fact is, this is the second initiative of dealing  
6 with this ballot -- this issue.

7           We submitted -- the campaign submitted a  
8 ballot initiative almost exactly the same at the  
9 end of October.

10           The Advisory Opinions were issued on  
11 November 25th. Those Advisory Opinions did not  
12 address Section 4 whatsoever. This is the first  
13 instance of Advisory Opinions being, like, not  
14 complete.

15           The point of the Advisory Opinion to a  
16 proposer or to a campaign is to show the defects  
17 of the ballot initiative, so then, a campaign can  
18 go back, change those defects, and resubmit, if they  
19 so choose to.

20           The first version of this ballot  
21 initiative only addressed Section 4 once in relation  
22 to the inclusionary zoning program as a means to

1 create money to go into the program.

2           And then, they don't talk about Section  
3 4 at all, as if it was totally fine, that it was  
4 proper subject in the first version of the ballot  
5 initiative.

6           But in the second version they're like,  
7 you know what? Since we can't address inclusionary  
8 zoning because they removed it based on our  
9 recommendation, we're going to address it in a  
10 different logic.

11           And that's actually really disempowering  
12 to a campaign because it says that, you know what?

13           You can submit your legislative text, and then,  
14 we're to come up with a different reason in your  
15 second version so that we don't have to deal with  
16 it later on. And that's very frustrating.

17           Just as a thought, I've never dealt with  
18 a ballot initiative or Advisory Opinions that  
19 completely change their logic.

20           So -- and just to follow -- to conclude,  
21 the AMI is discriminatory. We have to think about  
22 it as discrimination, that people are being

1 discriminated against by the people that live  
2 outside of the District of Columbia. And a ballot  
3 initiative cannot create discrimination. And what  
4 we're also trying to do is address the  
5 discrimination by changing the AMI.

6 And, just to recap, what we're doing is  
7 not an allocation of funds. It's a how the funds  
8 are going to be used later on downstream.

9 I appreciate your time and I urge you to  
10 vote in support that the D.C. Housing Modernization  
11 Accessibility Act of 2026 is proper subject for a  
12 ballot initiative. Thank you so much for your time  
13 and I welcome any questions.

14 MS. STROUD: Okay, thank you.

15 CHAIR THOMPSON: Thank you for using the  
16 analogy that I used, I appreciate that.

17 MS. STROUD: All right, is the proposer,  
18 Salim Adofo, present?

19 (No audible response.)

20 MS. STROUD: And I understand that Mr.  
21 Adofo's represented -- has representation here and  
22 his Counsel may speak as well.

1 MR. ADOFO: Good afternoon.

2 MS. STROUD: Good afternoon.

3 MR. ADOFO: Yes, this is Salim Adofo, and  
4 I will defer to my Counsel, Mr. Sandler.

5 MS. STROUD: Okay, thank you.

6 Hi, Mr. Sandler.

7 MR. SANDLER: Yes, can you hear me?

8 MS. STROUD: Yes, and if you could just  
9 state your name and your business address for the  
10 record?

11 MR. SANDLER: Yes, Joseph Sandler, law  
12 firm of Sandler, Reiff, 1620 I Street NW,  
13 Washington, D.C., 20006.

14 I want to say at the outset, we do  
15 appreciate the hard, expert work of the Attorney  
16 General's Office in viewing these initiatives for  
17 proper subject matter. They have to do a lot of  
18 work under time constraints, and we do appreciate  
19 that. But every once in a rare while, the Attorney  
20 General may get it wrong, and we respectfully submit  
21 this is such a case.

22 As alluded to by some of the other

1 speakers, but if I could get a little more into the  
2 legal analysis, the fundamental problem with the  
3 AG's analysis is, with respect to Section 4 of this  
4 proposed initiative, is that it conflates and  
5 confuses the budget process that appropriates funds  
6 with the enactment of authorizing legislation that  
7 establishes a program and defines the beneficiaries  
8 of the program in the first instance.

9           Those who, you know, work in the area of  
10 the federal budget process, who are so familiar with  
11 the distinction between authorization and  
12 appropriations, that's an important distinction in  
13 D.C. law as well.

14           Because the Court of Appeals has made it  
15 clear repeatedly that, while a measure that that  
16 appropriates funds is not a proper subject for  
17 initiative, a measure that institutes, repeals,  
18 modifies the authorization for a program is.

19           In the Convention Center case, Convention  
20 Center Referendum Committee vs. D.C. Board of  
21 Elections and Ethics, the Court said, you know, laws  
22 appropriating funds exception prevents the

1 electorate from using the initiative to adopt a  
2 budget request or make some other affirmative effort  
3 to appropriate funds or to block the expenditure  
4 of funds already appropriated.

5           But, they said, we further conclude that  
6 the law appropriating funds exception to the  
7 initiative right does not preclude initiatives to  
8 establish substantive authorization for a new  
9 project to repeal existing substantive  
10 authorization for a program without rescinding its  
11 current funding. The authorization is what  
12 includes the eligibility requirements.

13           So, basically, the allocation of revenue,  
14 that phrase, the Courts have repeatedly made clear,  
15 refers to the allocation of revenues, quotes, among  
16 competing programs and activities, in the words of  
17 the court in Hessey. That's part of the budget  
18 process.

19           How much for this program, how much for  
20 that program, how much, you know, for the schools,  
21 how much for the Medicaid, and so forth.

22           The Council decides how much money is

1 allocated to this program and initiative can't  
2 interfere with that process.

3 The fact of the matter, the Housing  
4 Production Trust Fund gets automatic revenues from,  
5 you know, various fees and so forth.

6 And then, there's an appropriation, an  
7 amount that can be appropriated by the Council.  
8 This -- that's part of the budget process.

9 This initiative does not touch that  
10 appropriation, does not interfere with the  
11 Council's right to allocate funds among competing  
12 programs and priorities.

13 It's clear that an initiative could offer  
14 from this language, authorize a new program subject  
15 to appropriations, including the eligibility  
16 criteria for that program. And by the same token,  
17 as a Court said in Convention Center, could repeal  
18 or modify it.

19 So, for that reason, changing the  
20 eligibility criteria for a program is not  
21 interference in the Council's discretion to  
22 allocate revenues. That is the basis for the

1 Attorney General's opinion.

2 Now, the landlord lobbyist  
3 representatives who testified today, one of them  
4 went into some kind of dynamic analysis, how this  
5 would affect the funds.

6 The Attorney General didn't raise any of  
7 that, and it didn't, you know, did not make sense  
8 to us.

9 The amount of money in the fund does not  
10 change based on this initiative. It doesn't -- it  
11 basically -- who is eligible for the program.

12 The Council still gets to decide how much  
13 goes into the fund, how much, you know, that versus  
14 hundreds of other programs, competing programs and  
15 priorities among which the Council gets to allocate  
16 appropriated funds.

17 Who's eligible? Eligibility is not part  
18 of the appropriations process. These eligibility  
19 criteria were established in the authorizing  
20 registration. They are not revisited as part of  
21 the budget process. They're not. They haven't  
22 been. The authorizing statute can be enacted by

1 initiative and modified by initiative.

2 Just to -- in closing, an additional  
3 thought to refer to -- back to Mr. Schiller's point,  
4 who's -- it's incomprehensible how the Attorney  
5 General did not raise this issue about partially  
6 identical language relating to the Production Trust  
7 Fund and the prior version of the initiative which  
8 was withdrawn.

9 It's difficult to understand how proposers  
10 are supposed to identify the concerns they're going  
11 to face if the Attorney General doesn't flag it in  
12 the, you know, their Advisory Opinion on the initial  
13 proposal that's submitted.

14 Similarly, the Attorney General did not  
15 raise any issue about other provisions in this  
16 initiative that similarly change eligibility  
17 requirements for existing programs. So, it's not  
18 -- I just can't understand their logic.

19 So, for those reasons, we submit that the  
20 initiative is a proper subject for initiative and  
21 respectfully request that the Board so find.

22 Thank you, Mr. Chairman.

1           CHAIR THOMPSON: Thank you so much. I've  
2 come a long way since we started this hearing in  
3 grasping this issue. I think using our cup of water  
4 analogy, or reservoir, or whatever you want to say,  
5 I certainly appreciate that initiative doesn't  
6 change the revenue input.

7           It's still up to the Council to decide  
8 whether and how much to fund this trust fund, but  
9 it certainly changes the output, I think, as has  
10 been noted, and I think when you change --

11           I think it's fair to say that when you  
12 change the eligibility threshold, and I believe it's  
13 probably accurate, as has been said, to correct the  
14 drift from the original intent of the Act, but that  
15 gets to the merits.

16           You're no doubt opening the spigot.  
17 You're increasing -- whatever goes into that fund  
18 is going to flow out faster because of this  
19 initiative if it's adopted. Is that a fair  
20 statement?

21           MR. SANDLER: No, it's not. It doesn't  
22 -- you say flow it faster. The amount, the same

1 amount of money is in there. The change in the  
2 eligibility requirement, the fact that different  
3 people benefit from the program, that is not what  
4 the term allocation of revenue means as interpreted  
5 by the courts.

6 It means how much for the production trust  
7 fund versus the schools, versus the hospitals,  
8 versus the food banks. So, that's what they're  
9 talking about and the language of the court case  
10 is clear in that regard.

11 CHAIR THOMPSON: You're saying it doesn't  
12 cost a single dollar more? If the initiative passes  
13 and the eligibility threshold is changed, you're  
14 saying --

15 MR. SANDLER: Correct, it doesn't cost a  
16 single dollar more. To the extent that it did  
17 affect appropriations, of course there is something  
18 to appropriations language in this measure, but  
19 that's not, you know, that's not the issue.

20 The Attorney General said it affects the  
21 allocation of the revenues already in the fund, not  
22 that it would change the amount, and that's where

1 they went off course, because that is -- the  
2 eligibility, again, is part of the authorization,  
3 not the appropriations process.

4

5 CHAIR THOMPSON: Thanks. Thank you.

6 MS. STROUD: So, we've heard from all of  
7 the parties that have requested to speak with  
8 respect to the measure, but I just want to just note  
9 two things.

10 The previous measure that the Board  
11 received advisory opinions for indicated that the  
12 measure was not a proper subject for different  
13 reasons, and the measure was withdrawn, so the Board  
14 did not have the opportunity to provide a written  
15 order or an opinion with respect to that measure.

16 And I also want to speak to the Board's independence  
17 in making decisions on these proper subject matters.

18 We have recently disagreed with the Office  
19 of the Attorney General with regard to opinions we  
20 have received from it, as well as with the General  
21 Counsel for the Council, one having to do with  
22 whether Initiative 83 appropriated funds and the

1 other was, the other issues that we've disagreed  
2 with the Office of the Attorney General on have to  
3 do with whether or not we can read the subject to  
4 appropriations' clause into measures where they  
5 were not.

6           So, these advisory opinions that we are,  
7 that the statute mandates the Board be provided with  
8 are just that. The Board makes its determinations  
9 assessing the measures that it has put before it  
10 and makes its own determination.

11           And sometimes when the General Counsel  
12 makes a recommendation, the Board does not accept  
13 those recommendations. I think that happened just  
14 in the last meeting, so I wanted to just address  
15 the Board's independence with respect to initiative  
16 measures.

17           So, we get advisory opinions, but they are  
18 just that, and we have disagreed with both the  
19 Attorney General and the General Counsel for the  
20 Council on occasion.

21           And in fact, those disagreements have led  
22 us to litigation with -- you know, we've been sued

1 by the District with respect to initiative measures  
2 and our acceptance or, yeah, our acceptance of  
3 initiative measures, so I just wanted to note that  
4 for the record.

5           And so, the Office of the General Council  
6 has reviewed this measure and, you know, looking  
7 at Hessey, which has been cited by everyone with  
8 respect to whether or not this measure is a proper  
9 subject, it is the opinion of the General Counsel  
10 that the measure, by changing the percent of AMI,  
11 needed to qualify for various income categories that  
12 in turn would trigger the level of the fund at issue  
13 that will fund housing for that category.

14           The measure does alter the Council's  
15 allocation of housing revenues amongst income level  
16 categories, and we don't think that the Subject to  
17 Appropriations Clause, that would simply allow for  
18 additional Council funding to support  
19 implementation of the measure.

20           We don't think that solves the defect here  
21 that concerns the fund, and we do think that it is  
22 problematic and this is just the Office of the

1 General Counsel's, you know, opinion, that it would  
2 restrict the Council's ability to allocate the  
3 expenditure of those funds.

4 And it does interfere with the allocation  
5 of resources within that special fund that the  
6 Council is given authority over and that's where  
7 -- you know, and it's not an easy question.

8 And I think one of the things that's been  
9 said repeatedly is that this measure is about the  
10 who, the who, the who, and I think there's a -- it's  
11 the how you get to the who that the Office of the  
12 General Counsel struggled with and put it just over  
13 the line of propriety in terms of whether or not  
14 it was interfering with the Council's authority.

15 And so, that would be the recommendation,  
16 that it violates proper subject requirements in  
17 terms of the way that the fund is handled. But  
18 again, it is a difficult question, but that's where  
19 our recommendation comes down.

20 And again, whatever the Board decides, and  
21 the Board could decide to, well, now we'll  
22 deliberate, and it could just say we don't agree,

1 but that is where the Office of the General Counsel  
2 came down and a written order will follow.

3 CHAIR THOMPSON: Okay, I think I'm ready  
4 to make a motion on this, but let me first check  
5 with Karyn Greenfield, if she --

6 MEMBER GREENFIELD: Yeah.

7 CHAIR THOMPSON: -- feels like we should  
8 go into executive session or --

9 MEMBER GREENFIELD: Can we, just for a  
10 little bit?

11 CHAIR THOMPSON: Yeah, I was on the fence  
12 there too.

13 MEMBER GREENFIELD: Yeah.

14 (Laughter.)

15 CHAIR THOMPSON: We'll go into executive  
16 session to make sure we understand everything.

17 MS. STROUD: Okay, one moment. Let me  
18 just -- yeah, so let me just --

19 CHAIR THOMPSON: Well --

20 MS. STROUD: And we can -- we could enter  
21 into executive session and then we could come back,  
22 you know, either today or at another meeting to

1 resolve the issue.

2 CHAIR THOMPSON: Should we finish the rest  
3 of this regular meeting --

4 MS. STROUD: Yes.

5 (Simultaneous speaking.)

6 CHAIR THOMPSON: Okay.

7 MS. STROUD: Yes, so what we'll do is we  
8 will continue the rest of the meeting. We have  
9 heard the testimony with respect to the matter, and  
10 we will table this and return to it after we've  
11 finished the rest of the meeting and then the Board  
12 will vote to enter into executive session.

13 CHAIR THOMPSON: Okay.

14 MEMBER GREENFIELD: Okay.

15 CHAIR THOMPSON: So, I'll just take the  
16 motion that we, the Board, go into executive session  
17 to discuss the issue of whether the proposed  
18 initiative is a proper subject matter. I think  
19 there's a specific statute --

20 (Simultaneous speaking.)

21 MS. STROUD: Yes, and I'm bringing it up.

22 CHAIR THOMPSON: I think maybe we should

1 recite the number of that statute, but that's the  
2 substance of the sub-provision.

3 MS. STROUD: That is correct.

4 CHAIR THOMPSON: It does permit us to go  
5 into executive session.

6 MS. STROUD: Yes, and I will bring it up.

7 (Pause.)

8 MS. STROUD: Yes, so the Board will be --  
9 and I just wanted to make sure that I get the correct  
10 cite. Pursuant to D.C. Code Section  
11 2-575(b)(4)(a), the Board can enter into executive  
12 session to consult with an attorney to obtain legal  
13 advice and to preserve the attorney-client  
14 privilege between an attorney and a public body,  
15 and to deliberate, and so that is the section  
16 pursuant to which we will going into executive  
17 session to deliberate upon the proper subject  
18 determination before the Board concerning the D.C.  
19 Housing Modernization Act.

20 MEMBER GREENFIELD: Okay.

21 MS. STROUD: So moved.

22 MEMBER GREENFIELD: Seconded.

1 MS. STROUD: Once the meeting has --

2 MEMBER GREENFIELD: Once the meeting --  
3 yeah.

4 MS. STROUD: Yes, correct.

5 MEMBER GREENFIELD: Completed the  
6 meeting, yes.

7 MS. STROUD: Okay.

8 MEMBER GREENFIELD: I second.

9 MS. STROUD: And we'll take a roll call  
10 vote.

11 CHAIR THOMPSON: The Chair votes aye.

12 MS. STROUD: Okay, Member Greenfield?

13 MEMBER GREENFIELD: I vote aye.

14 MS. STROUD: Okay, and with that, we will  
15 move to the next item on the agenda, which is an  
16 enforcement proceeding with respect to Britnee  
17 Scott, and I will ask our senior staff attorney,  
18 Christine, to come up and discuss the notice that  
19 Ms. Scott received with respect to this meeting.

20 This is a matter that was continued from  
21 the previous Board meeting, and it was continued  
22 because the Board granted Ms. Scott's request to

1 continue the meeting until she could achieve  
2 representation.

3 (Pause.)

4 MS. PEMBROKE: This is an enforcement  
5 matter involving information that the General  
6 Counsel received through ERIC, the Electronic  
7 Registration Information Center, which showed that  
8 Britnee Scott voted twice in the 2024 general  
9 election, once in Maryland and once in the District  
10 of Columbia.

11 We were presenting this matter at the last  
12 Board meeting, and Ms. Scott appeared and asked for  
13 a continuance so that she could obtain counsel.  
14 At that time, the regularly scheduled Board meeting  
15 was for the 7th, I believe, and so she was granted  
16 a continuance until the next Board meeting with the  
17 understanding that the meeting was going to be on  
18 the 7th.

19 The Board subsequently rescheduled its  
20 meeting. I reached out to her via email and we had  
21 been communicating via email. She had agreed to  
22 use her address for communication, and notified her

1 last week that the meeting was being pushed until  
2 the 14th, and she did not respond. So, I called  
3 her yesterday and she was aware of my email telling  
4 her that the meeting had been rescheduled.

5 She expressed some concern because she was  
6 initially told that it was going to be on the 7th  
7 and I explained to her that the Board had delayed  
8 its meeting, and so it was going to occur today,  
9 and I asked her if she had had any success in  
10 obtaining counsel.

11 She indicated that she had, and so I asked  
12 her to have that individual please reach out to me  
13 over the evening so that I could discuss with them  
14 this morning anything we might want to make the Board  
15 aware of and I received no email communication  
16 identifying her counsel.

17 So, at this point, Ms. Scott is obviously  
18 aware that the Board is meeting now in her case and  
19 she has not identified counsel to represent her.

20 So, if the Board wants to proceed with resolving  
21 this matter at this time, the Board's regulations  
22 allow them to proceed in the absence of the charged

1 party.

2 MS. STROUD: Yes, that is correct, under  
3 3 DCMR 403.4. The Board may proceed ex parte if  
4 an individual fails to appear at the hearing, and  
5 Ms. Scott was notified at the last Board hearing  
6 that the Board would do so. So, she was aware of  
7 that and she was also aware that we were proceeding  
8 today.

9 MS. PEMBROKE: And I would also add just  
10 for the record that our Board meetings are obviously  
11 publicly posted on the website, and so the  
12 information about the Board meeting being continued  
13 to the 14th was publicly available to her on our  
14 website.

15 CHAIR THOMPSON: Yeah, we talked about it  
16 with her directly last time we had a meeting, so  
17 I think it's appropriate to proceed with your  
18 recommendation.

19 MS. STROUD: Yes.

20 MS. PEMBROKE: And the recommendation was  
21 that the matter be referred to the D.C. Office of  
22 the Attorney General, be referred for criminal

1 investigation, and so I would ask that the Board  
2 grant, or agree with and adopt the General Counsel's  
3 recommendation with respect to Ms. Britnee Scott.

4 CHAIR THOMPSON: So moved. It's just a  
5 referral for possible --

6 MS. PEMBROKE: Yeah.

7 CHAIR THOMPSON: -- further  
8 investigation. You know, it's something that  
9 requires some fact finding and we don't have those  
10 resources, so we're not finding anything. We're  
11 not even implying anything. We're just referring  
12 it for appropriate investigation by somebody with  
13 resources, so I so move.

14 MS. STROUD: Okay.

15 MEMBER GREENFIELD: I second.

16 MS. STROUD: Okay, and with that, we'll  
17 take a roll call vote. Mr. Chair?

18 CHAIR THOMPSON: Aye.

19 MS. STROUD: Member Greenfield?

20 MEMBER GREENFIELD: Aye.

21 MS. STROUD: And with that, the Board has  
22 approved the referral of the matter involving

1 Britnee Scott to the D.C. Office of Attorney General  
2 for criminal investigation.

3 The next item on my agenda is litigation  
4 status and we have seven -- well, I'll read the  
5 cases. The first is Stacia Hall v. the Board.  
6 That's in the U.S. Court of Appeals for the D.C.  
7 Circuit.

8 This is a remand from an appeal where a  
9 June 20, 2025 D.C. Circuit reversal of the U.S.  
10 District Court's denial on the basis of a standing  
11 of a challenge to legislation allowing non-citizens  
12 to vote in the election.

13 On September 26, a renewed motion to  
14 dismiss was filed. Following a grant of a  
15 subsequent consent motion for additional time,  
16 plaintiff's filed a response on November 21. On  
17 November 26, the complaint was amended pursuant to  
18 the Court's grant of a consent motion.

19 On December 10, the Board moved to dismiss  
20 the amended complaint. A consent motion to extend  
21 the response/reply dates was granted on December  
22 17. The response and reply are now due on January

1 20 and February 17, 2026 respectively.

2 The next case is Charles Wilson v. Muriel  
3 Bowser, et al, the Board. That's in D.C. Superior  
4 Court. After seeking and obtaining extensions of  
5 time, the plaintiffs filed a response to the Board's  
6 pending dispositive motions on December 19. The  
7 Board and intervening replies are due on this coming  
8 Friday, January 16, and a further status hearing  
9 has been set for March 13.

10 Long v. The Board is in D.C. Superior  
11 Court. Mr. Long submitted, resubmitted in the D.C.  
12 Superior Court a case that had been previously  
13 dismissed without prejudice. He is seeking \$10,000  
14 in damages for an overdraft fee caused by a stopped  
15 payment on a \$500 check issued for his service as  
16 an election worker.

17 The case had been removed to the U.S.  
18 District Court, but on February 3, 2025, the Court  
19 ordered that the case be remanded to Superior Court,  
20 and to date, the Superior Court has not docketed  
21 any activity.

22 The next matter is Sobin v. The Board.

1 That's in U.S. District Court. On January 13, Sobin  
2 submitted a complaint in U.S. District Court for  
3 D.C. in which he alleges that the Board's petition  
4 circulation process requiring candidates to gather  
5 signatures violates the Americans With Disabilities  
6 Act and that an Advisory Neighborhood Commission  
7 election that was held in his single member district  
8 was illegal. There has been no activity on the  
9 Board's motion to dismiss since June 30, 2025.

10 The next matter is Lee v. The Board. On  
11 November 3, 2025, the plaintiff sought judicial  
12 review of the Board's formulations of improper  
13 subject decision with respect to Referendum 9.

14 On November 14, the Board filed a notice  
15 to the Court that the matter by law must be expedited  
16 in the agency record. On November 18, the Board  
17 filed a motion for summary disposition and dismissal  
18 for failure to state a claim and a motion to strike  
19 extra-record material.

20 On November 19, the Board filed an  
21 unopposed motion for an expedited briefing  
22 schedule. On November 21, the Court granted the

1 motion for an expedited briefing schedule. The  
2 plaintiff filed his oppositions to the Board's  
3 motions on November 25 and sought leave to file a  
4 surreply two days later. The Board replied to the  
5 plaintiff's oppositions on December 1.

6 The matter was argued on December 2. The  
7 Court granted in part and denied in part the Board's  
8 dispositive motion, and denied the motion to strike  
9 and accepted the plaintiff's surreply. On December  
10 5, the Board appealed the partial denial of its  
11 motion to dismiss to the D.C. Court of Appeals.

12 So, that leads us to the sixth matter, D.C.  
13 Board v. Lee. This is the appeal of the previous  
14 matter. While the case was pending on appeal, the  
15 law that was subject to referendum was enacted and  
16 the Court, on December 22, ordered the Board to show  
17 cause why the case should not be dismissed as moot.

18 On January 9 of this year, the Board filed  
19 a response to the show cause order agreeing that  
20 dismissal was proper, and on January 12, the appeal  
21 was voluntarily dismissed as moot.

22 The final case is the U.S. Department of

1 Justice v. The Board. That's in the U.S. District  
2 Court. This is an action by the DOJ to obtain from  
3 the Board confidential personal identifying  
4 information on all D.C. voters. The Board is  
5 awaiting service in this matter.

6 And that concludes my litigation status  
7 and the report as a whole pending the Board's exit  
8 from executive session with regard to the housing  
9 initiative.

10 CHAIR THOMPSON: Thank you very much.  
11 We've been waiting patiently for the campaign  
12 finance report.

13 MS. COLLIER-MONTGOMERY: Okay, good  
14 afternoon. For the record, the full report of the  
15 agency will be placed on our website this afternoon  
16 and that is [www.ocf.dc.gov](http://www.ocf.dc.gov). I will for the public  
17 highlight a few items of interest from the report  
18 at this time.

19 First, I wanted to point out that members  
20 of the OCF, three members, attended the 2025  
21 Conference of the Council on Governmental Ethics  
22 Laws in Atlanta, Georgia from December 7 through

1 December 10.

2           The FEP manager, Eric Jackson, was invited  
3 and participated in a public financing  
4 administrators round table on the first day of the  
5 conference.

6           In our Fair Elections Program division  
7 during the month of December, I would point out that  
8 as of this date, there are 13 participating  
9 candidates who have been certified in the Fair  
10 Elections Program and eligible to receive public  
11 funds for their campaign operations in the June 2026  
12 primary election.

13           During the month of December 2025, the OCF  
14 certified five participating candidates in the Fair  
15 Elections Program for the 2026 election cycle and  
16 authorized disbursements from the fair elections  
17 fund as follows: one, Brian Footer for D.C.  
18 principal campaign committee.

19           A matching payment in the amount of \$20,850  
20 was authorized for disbursement on December 16,  
21 2025. Brian for D.C. 2026 for Council Ward 3  
22 principal campaign committee matching payment in

1 the amount of \$171,280 was authorized for  
2 disbursement on December 16, 2025.

3 Frumin 26, 2026 for Council Ward 3  
4 principal campaign committee. A matching payment  
5 in the amount of \$26,975 was authorized for  
6 disbursement on December 16. Frumin 2026 for  
7 Council Ward 3 principal campaign committee first  
8 half base amount in the amount of \$20,000 was  
9 authorized for disbursement on December 31.

10 Goodweather for D.C. principal campaign  
11 committee. Gary Robert Goodweather was certified  
12 on December 16, 2025 as a participating candidate  
13 in the Fair Elections Program for the Office of Mayor  
14 in the June 16, 2026 primary election. The first  
15 half base amount payment in the amount of \$80,000  
16 and matching payment in the amount of \$215,265.85  
17 were authorized for disbursement on December 16.

18 Gloria for Ward 6 principal campaign  
19 committee. Gloria Ann Nauden was certified on  
20 December 17 as a participating candidate in the Fair  
21 Elections Program for the Office of Ward 6 Member  
22 of the Council in the June 16, 2026 primary election.

1 The first half base amount in the amount of \$20,000  
2 and matching payment in the amount of \$36,523.75  
3 were authorized for disbursement on December 17.

4 Candace for D.C. 2026 principal campaign  
5 committee. Candace Tiana Nelson was certified on  
6 December 17 as a participating candidate in the Fair  
7 Elections Program for the Office of At-Large Member  
8 of the Council in the June 2026 primary election.

9 The first half base amount in the amount of \$20,000  
10 and matching payments in the amount of \$79,145.65  
11 were authorized for disbursement on December 18.

12 Reelect Charles Allen Ward 6 2026  
13 principal campaign committee. Charles Allen was  
14 certified on December 18 as a participating  
15 candidate in the Fair Elections Program for the  
16 Office of Ward 6 Member of the Council in the June  
17 2026 primary election. The first half base amount  
18 payment in the amount of \$20,000 and matching  
19 payment of \$106,635 were authorized for  
20 disbursement on December 18.

21 Team Oye principal campaign committee, a  
22 matching payment of \$52,684.20 was authorized for

1 disbursement on December 19. Terry Lynch for D.C.  
2 principal campaign committee, a matching payment  
3 of \$1,425 was authorized for disbursement on  
4 December 16.

5 Jackie the Lawyer for Ward 1 principal  
6 campaign committee. Jakeline Maryori Reyes-Yanes  
7 was certified on December 22 as a participating  
8 candidate in the Fair Elections Program for the  
9 Office of Ward 1 Member of the Council in the June  
10 2026 primary election. The first half base amount  
11 in the amount of \$20,000 and matching payment in  
12 the amount of \$50,770 were authorized for  
13 disbursement on December 22.

14 Aparna for D.C. Council Ward 1 principal  
15 campaign committee, a matching payment of \$43,220  
16 was authorized on December 23, 2025.

17 The Fair Election Division, during the  
18 month of December, conducted 39 desk reviews of  
19 reports of receipts and expenditures, which were  
20 filed on December 10, and issued 15 requests for  
21 additional information letters.

22 The status of the ongoing post-election

1 field audits being conducted by the Fair Elections  
2 Program for the 2020, 2022, 2024 and '25 special  
3 election cycles is listed in our report, again which  
4 will be posted this afternoon.

5 I would point out that with the ongoing  
6 2024 post-election full field audits, the Fair  
7 Elections Program did issue a final audit during  
8 the month of December.

9 Wendell for Ward 7, a principal campaign  
10 committee post-election noncompliance report was  
11 issued on December 5, 2025. All of our final audit  
12 reports are available at the website for review by  
13 the public.

14 In the public information and records  
15 management division during the month of December,  
16 December 10 was the due date for the filing of  
17 reports of receipts and expenditures by the FEP  
18 committees, the principal campaign committees, our  
19 political action committees, and the independent  
20 expenditure committee. I would point out that  
21 images of the financial reports are available at  
22 the website for review by the public.

1           New Candidates Committee for the 2026  
2 election cycle, for the 2026 election cycle, in our  
3 traditional program, I would point out that at this  
4 time, we do have 17 candidates who are registered  
5 to participate in the 2026 election cycle.

6           During the month of December, we had six  
7 new candidates who registered to participate in the  
8 election process. For the Office of Mayor, Da'Moni  
9 Ivey registered on December 1. On December 1,  
10 Adrian Byrd also registered. On December 4,  
11 Christopher Teague registered for the Office of  
12 Mayor.

13           On December 29, Esa Muhammad registered  
14 for the Office of Mayor, and On December 31, Cody  
15 Birchfield also registered for the Office of Mayor.

16           Markus Batchelor registered on 12/29 for the Office  
17 of U.S. Senator.

18           In our Fair Elections Program, we  
19 currently have 32 candidates who are registered to  
20 participate in the fair elections process. There  
21 were ten new candidates who registered during the  
22 month of December for the following offices.

1           For the Office of Mayor, Janeese Lewis  
2 George registered on December 1, Talib Karim  
3 Muhammad registered on December 12, Yaida Ford  
4 registered on December 30, Muhsin Boeluther Umar  
5 registered on December 31.

6           For Ward 3 council member, Adam Prinzo  
7 registered on December 20. For Ward 5 council  
8 member, Bernita Carmichael registered on December  
9 2.

10           For council member-at-large, Addison  
11 Sarter registered on December 10, Patricia Stamper  
12 registered on December 7, Lisa Raymond registered  
13 on December 22, and Joseph Jackson registered on  
14 December 24.

15           We also had two new committee  
16 registrations during the month of December. The  
17 first was the D.C. Living Wage for All. Nikki MG  
18 Cole is the treasurer. The registration date was  
19 December 2. That is an initiative measure. The  
20 second was the D.C. Equal Home Ownership Act  
21 Committee, Addison Sarter is the treasurer, and the  
22 registration date was December 10, and that also

1 is an initiative measure committee.

2           There were referrals to the Office of the  
3 General Counsel for failure to timely file the  
4 December 10 report. The names of those committees  
5 and treasurers are listed in the report.

6           There were 17 candidates during the month  
7 of December and treasurers who completed our  
8 training conference for the entrance conference,  
9 and those names are listed in our OCF report as well.

10           In the traditional campaign finance audit  
11 program, the reports analysis and audit division,  
12 the audit division conducted 60 desk reviews and  
13 issued seven requests for additional information  
14 as a result of those reviews. There are five  
15 ongoing audits in the traditional program and the  
16 status of each one of these audits is listed in our  
17 report.

18           They have a post-election audit for the  
19 2025 election. That is Trayon White 2025. In the  
20 FEP program, they have a post-2024 election audit,  
21 the Committee to Elect Eboni-Rose Thompson.

22           In the traditional program, the post-2024

1 election audits are the Re-Elect Trayon White 2024,  
2 the Jacque for D.C. 2024, and T. Michelle Colson  
3 for the State Board of Education Ward 4.

4 The audits again of the Office of Campaign  
5 Finance are posted at our website for review by the  
6 public. And that completes my report, and I would  
7 ask our General Counsel to present the legal report  
8 for the agency.

9 MR. SANFORD: Thank you, Director.  
10 During the month of December 2024, the Office of  
11 the General Counsel received eight referrals,  
12 completed two informal hearings, and issued two  
13 orders in which no fines were imposed.

14 During the month of December 2025, there  
15 were no open investigations pending before the  
16 Office of Campaign Finance. There were no requests  
17 for interpretive opinions and no show cause  
18 proceedings were conducted.

19 The contents of the General Counsel's  
20 report will be published at the Office of Campaign  
21 Finance website under the data and reports section  
22 by the close of business on today's date, the 14th

1 of January 2026, and that concludes my report.

2 CHAIR THOMPSON: All right, thank you very  
3 much.

4 MS. COLLIER-MONTGOMERY: That concludes  
5 our report.

6 CHAIR THOMPSON: All right, okay, we still  
7 have some time yet for public comment, and I already  
8 see Mr. Schiller has his hand raised, so, Abel Amene  
9 is also raised, so he was first.

10 Okay, so Abel Amene, we see you here, and  
11 thank you so much for being here, and try to limit  
12 yourself to three minutes if you can, and also let  
13 us know that you're a District residence and your  
14 name.

15 MR. AMENE: Absolutely, thank you, Chair.  
16 I hope you can hear me well. My name is Abel Amene.  
17 I happen to serve as Commissioner for Advisory  
18 Neighborhood 4D-02. My comments and questions  
19 today are related to some matters in your litigation  
20 status updates.

21 First, I want to thank the Board for your  
22 work on these cases. I know you are defending,

1 number one, my right to vote, and I note number two,  
2 you're defending ranked choice, which is now  
3 implemented as law and you are working towards that.

4 My question is about number seven. I know  
5 you said, General Counsel, throughout, you said you  
6 have yet to be served on that, but I have already  
7 read the case, or the complaint in that case.

8 And I understand the Attorney General  
9 served you with a letter requesting some information  
10 and that you partially, as you are required by law,  
11 complied with that, and I want to thank you for that  
12 partially part.

13 My question in particular is that when you  
14 complied, as you are legally obligated, I believe  
15 the request was for individuals registered for  
16 federal elections.

17 I just want to verify that any partial  
18 compliance that you had was related to people  
19 registered for federal elections and not for local  
20 elections, and in as much you can tell me about that,  
21 I would appreciate the Board's response to that.

22 Thank you.

1 MS. STROUD: Yes, I can look back to  
2 determine the specifics of that, but we did provide  
3 the voter file without the PII. We did not provide  
4 information that we would not normally provide  
5 pursuant to a request for voter records, so that  
6 would include date of birth, driver's license  
7 number, SSN4 or the full SSN, and residence  
8 information with respect to confidential voters,  
9 but I will confirm to see what the limitation was  
10 with respect to their request and get back to you,  
11 and I do have your email address.

12 MR. AMENE: I appreciate that. Thank you  
13 very much.

14 MS. STROUD: You're welcome.

15 CHAIR THOMPSON: All right, I see Nikolas  
16 Schiller next.

17 MR. SCHILLER: Can you hear me okay?

18 CHAIR THOMPSON: Yeah.

19 MS. STROUD: Yes.

20 MR. SCHILLER: All right, thank you so  
21 much. So, I've got four quick things, okay?  
22 Number one, I really appreciate the ranked choice

1 voting web page. It looks great. I like that the  
2 URL is very simple and easy to remember. I just  
3 have a couple feedback, pieces of feedback on that.

4           Number one, the sample ballot at the bottom  
5 of the page, it would be really great to have how  
6 the voting tabulation is done. So, I can vote for  
7 whoever I want to, I can hit submit, and then it  
8 just goes back to the main page again, and I think  
9 voters would appreciate being able to see how their  
10 vote is going to be tabulated.

11           So, it's one thing to see how you're  
12 supposed to vote, but it's another thing to see how  
13 your vote is tabulated, so I think it would be great  
14 to have an update, maybe even like an animated GIF  
15 that could show, like, the tabulation results to  
16 see how a vote could ultimately be decided.

17           Number two, the sample ballot includes  
18 what looks like the Democratic Party's sample  
19 ballot, and one instance of Initiative 83 is that  
20 it does not require political parties to implement  
21 ranked choice voting, so I would suggest that that  
22 party sample ballot include that mention that

1 parties are not required to institute ranked choice  
2 voting.

3           When I read it the first time, I thought  
4 I saw the Democratic Party, but I guess I was wrong,  
5 but it looks like the Democratic Party sample ballot  
6 and they're not required under Initiative 83 to use  
7 ranked choice voting.

8           Finally, in the question Q&A, there's a  
9 part that says final results will not be available  
10 until ten days. That reflects sort of the same  
11 system that we have in place where final results  
12 are not ready for ten days because the Board is still  
13 waiting for ballots to show up in the mail.

14           But in the meantime, there are tabulation  
15 results that are interim, and I'm curious if they  
16 could be updated because the Board of Elections  
17 knows the population of ballots that are generated,  
18 and on election day, it knows how many ballots it  
19 has received.

20           And so, it would make sense that the Board  
21 can do an interim result on the ranked choice voting  
22 with the caveat that all of the ballots have not

1 been received, and if more than 50 percent of the  
2 ballots have been received, there's a possibility  
3 that the results are a little bit more firm than  
4 they would be if it was ten days later, okay? That's  
5 RCV.

6           Number two, the voter roll, I received it  
7 yesterday. It was in the comma separated variables  
8 or values instead of the formal normal XLS format,  
9 and I'm curious if this is a permanent change.

10           The Microsoft Excel version that I've  
11 received from the Board over the last decade  
12 sometimes has the top row frozen, so when you scroll  
13 down, it's very easy to see street number, street  
14 name, and all of the information that applies to  
15 it. I'm just curious if it's planned on being comma  
16 separate variables or values permanent.

17           And number three, or, yeah, number three,  
18 the proposed regulations, I saw in the agenda that  
19 the regulations were going to be discussed. Is  
20 there any chance in the future that the proposed  
21 regulations can be put on the Board's website in  
22 advance of the hearing?

1           And I ask this request because we're  
2 allowed as citizens to provide comments to the  
3 regulations, but if we have questions about the  
4 proposed regulations, this format right now, right  
5 here where I am asking questions is the proper spot  
6 before I submit comments to the regulations.

7           So, it would be really helpful to voters  
8 to have the draft regulations posted before they're  
9 even published in the Register, so when you have  
10 a monthly hearing and they're going to be put into  
11 the Register, that voters have the opportunity to  
12 ask questions about them before they submit their  
13 written comments.

14           And finally, the OCF has two different data  
15 sets right now, one that has the traditional  
16 financial reports and one that has the Fair  
17 Elections Program. Is there any chance that these  
18 two data sets can be combined?

19           Because when I'm looking for information,  
20 I have to go between two different data sets all  
21 of the time, when in reality, when you go to the  
22 filer's page, the information is the same. They're

1 required to do the same dates.

2 I understand they have different governing  
3 regulations, but it would just make more sense from  
4 a voter's perspective to have them all on one page  
5 to view. Thank you so much for your time and I  
6 appreciate your service to the District of Columbia.

7 CHAIR THOMPSON: Thank you so much.  
8 We'll look into all of that, take it under  
9 advisement, and you may have helped us improve a  
10 few things, so much appreciated. It looks like  
11 Brian Strege has a hand raised.

12 MR. STREGE: Hello, can you hear me?

13 CHAIR THOMPSON: Sure can.

14 MR. STREGE: Hey, great. If I start  
15 cutting out, please let me know. My internet  
16 connection has been a little bit choppy. My name  
17 is Brian Strege. Good morning, everybody. I think  
18 plenty of you know me. I'm an ANC commissioner and  
19 Navy Yard resident.

20 So, at the beginning of this meeting, we've  
21 been talking about, or you've been talking about  
22 how we're getting ready for the June 2026 primary

1 election to roll out ranked choice voting, and I  
2 have a comment/question.

3           Also earlier this week, the McDuffie seat  
4 was declared vacant, and now there is going to be  
5 a special election on the same day as the June  
6 primary, and I think that makes a lot of sense to  
7 schedule them on the same day. Turnout will be  
8 higher, et cetera, et cetera.

9           I almost hesitate to ask this because I  
10 don't want to speak it into existence, but the  
11 language in Initiative 83, which is now law,  
12 B25-1075, states kind of a start time for ranked  
13 choice voting.

14           It says beginning with the June 2026  
15 primary election and for all subsequent elections  
16 thereafter, RCV will be used, and my question is  
17 about that specific word, subsequent, and how it  
18 applies to the special that is now the same day.

19           So, does the same-day special election for  
20 the at-large count as a subsequent election to the  
21 June primary? In other words, will RCV be used in  
22 that at-large election? I'm hoping the answer is

1 yes, but I felt I should point it out.

2 CHAIR THOMPSON: Maybe you think too much,  
3 but yeah --

4 MS. STROUD: Yeah.

5 CHAIR THOMPSON: -- I think so.

6 MS. STROUD: I'm going to say if we have  
7 an out, then no, Brian. No, I'm kidding.

8 (Laughter.)

9 MS. STROUD: That election will be  
10 conducted on a rank choice voting basis.

11 MR. STREGE: Okay, thank you. I just  
12 wanted to check.

13 CHAIR THOMPSON: All right, yeah, much  
14 appreciated. All right, so not seeing any other  
15 hands raised, we won't adjourn just yet, right, or  
16 should we adjourn the regular portion? How do we  
17 do this?

18 MS. STROUD: So, I think that what we would  
19 be procedurally best is if we -- we voted to go into  
20 executive session. We have another hand raised.

21 Do you want to do that?

22 CHAIR THOMPSON: Go ahead and finish your

1 thought.

2 MS. STROUD: Okay, so I think that what  
3 we do is we enter into executive session and indicate  
4 the time that we will return, or the day if you want  
5 to deliberate on this matter beyond today.

6 CHAIR THOMPSON: Is it okay -- Karyn, are  
7 you okay if we do it right now, in the next, like,  
8 20 minutes?

9 MEMBER GREENFIELD: Yeah, I'm okay.

10 CHAIR THOMPSON: Okay, we'll just do it now.

11 MS. STROUD: Okay, so I think that what  
12 we do is we go into executive session and then return  
13 in 20 minutes, and we've indicated that we would  
14 do that.

15 CHAIR THOMPSON: Okay, all right.

16 (Pause.)

17 MS. STROUD: So, what we'll do is the Zoom  
18 will remain open, but, and I don't know how to say  
19 this, open, but closed, while we adjourn for, until  
20 about 1:15?

21 CHAIR THOMPSON: Yeah.

22 MS. STROUD: At which time we will come

1 back on the record at announce the Board's decision  
2 in this matter. And with that, we will -- if you  
3 could move to, you know.

4 CHAIR THOMPSON: We still got a hand  
5 raised. Do you want to --

6 MS. STROUD: Yes, okay. Yes, we'll hear.

7 CHAIR THOMPSON: Mr. Lee, I see.

8 MS. STROUD: Mr. Lee? Mr. Lee? Mr. Lee?  
9 You are unmuted, so if you want to speak before  
10 we go into executive session? Okay.

11 CHAIR THOMPSON: All right.

12 MS. STROUD: Mr. Lee, we can't hear you.

13 So, right now, we are going to enter into executive  
14 session. So, the Zoom will be open, but it will  
15 be -- you will not be able to see or hear the Board.

16 CHAIR THOMPSON: Thanks, everybody.

17 (Whereupon, the above-entitled matter  
18 went off the record at 12:51 p.m. and resumed at  
19 1:14 p.m.)

20 CHAIR THOMPSON: All right, let me just  
21 check if Karyn Greenfield is on?

22 MEMBER GREENFIELD: Yes, I'm here.

1 CHAIR THOMPSON: Okay.

2 MS. STROUD: So, let me get on camera.  
3 So, what will happen now is the Board should vote  
4 to resume the public meeting, and so we will, if  
5 you have a motion to enter back into the --

6 CHAIR THOMPSON: Okay.

7 MS. STROUD: -- public meeting.

8 CHAIR THOMPSON: The first motion is to  
9 exit executive session and resume the public  
10 meeting.

11 MEMBER GREENFIELD: I second.

12 MS. STROUD: Okay, and we'll take a roll  
13 call vote. Mr. Chair?

14 CHAIR THOMPSON: Aye.

15 MS. STROUD: Member Greenfield?

16 MEMBER GREENFIELD: Aye.

17 MS. STROUD: And just to correct the  
18 record, the Board voted to enter into executive  
19 session to consult with the General Counsel and to  
20 deliberate with respect to the Housing  
21 Modernization Initiative Act that was the subject  
22 of today's proper section hearing, one of today's

1 proper subject hearings. And with that, the Board  
2 has entered into, back into the public meeting.

3 CHAIR THOMPSON: Okay, I want to thank  
4 everybody for their comments, both in support and  
5 in opposition to the proposed initiative, very much  
6 appreciated, and thank you for all of your written  
7 statements as well. We've read everything closely  
8 and considered everything closely.

9 At this time, I'm going to make a motion  
10 that the Board determine that the proposed  
11 initiative, the D.C. Housing Modernization and  
12 Accessibility Act of 2026, is not a proper subject  
13 matter as an initiative.

14 MS. STROUD: Is there a second?

15 MEMBER GREENFIELD: I second.

16 MS. STROUD: Okay, and we'll take a roll  
17 call vote. Mr. Chair?

18 CHAIR THOMPSON: Aye.

19 MS. STROUD: Member Greenfield?

20 MEMBER GREENFIELD: Aye.

21 MS. STROUD: And with that, the Board has  
22 decided to reject the D.C. Housing Modernization

1 and Accessibility Act of 2026 as not presenting a  
2 proper subject for initiative and a written order  
3 will follow shortly.

4 CHAIR THOMPSON: Okay, well, with that,  
5 and once again, we don't comment on the merits of  
6 things. It may or may not be a good policy idea.

7 All we're ruling is that it's not a proper subject  
8 matter for a voter initiative and we'll have a  
9 written opinion that will follow.

10 And if someone would like to appeal it,  
11 of course, we welcome that. That's your right.  
12 We always welcome review by the courts as well to  
13 make sure we're getting things right.

14 So, let's see, with that, I think we're  
15 ready to adjourn, and I would move that we adjourn  
16 today's regular meeting.

17 MEMBER GREENFIELD: I second.

18 CHAIR THOMPSON: All in favor?

19 (Chorus of aye.)

20 CHAIR THOMPSON: Okay, see you next time.

21 (Whereupon, the above-entitled matter  
22 went off the record at 1:16 p.m.)

## 1 C E R T I F I C A T E

2 This is to certify that the foregoing transcript  
3 was duly recorded and accurately transcribed under  
4 my direction; further, that said transcript is a  
5 true and accurate record of the proceedings; and  
6 that I am neither counsel for, related to, nor  
7 employed by any of the parties to this action in  
8 which this matter was taken; and further that I am  
9 not a relative nor an employee of any of the parties  
10 nor counsel employed by the parties, and I am not  
11 financially or otherwise interested in the outcome  
12 of the action.

13

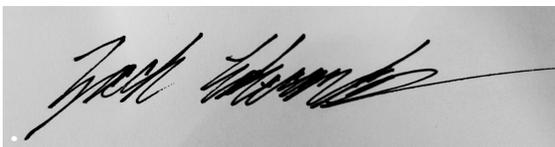
14

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16

17

18

A rectangular area containing a handwritten signature in black ink on a light gray background. The signature is cursive and appears to read "Zach Edwards".

19 Zach Edwards

20

21

22

\$		2
	<b>10</b> 17:7 34:16 106:19 111:1 114:20 115:16 117:11,22 118:4	
<b>\$1,425</b> 114:3	<b>10,000</b> 73:2	<b>2</b> 109:6 117:9,19
<b>\$10,000</b> 107:13	<b>102,000</b> 6:1	<b>2,600</b> 7:14
<b>\$100</b> 37:1 72:7 79:16	<b>10:32</b> 3:2	<b>2,818</b> 5:11
<b>\$106,635</b> 113:19	<b>10th</b> 19:14,17	<b>2,829</b> 11:12
<b>\$171,280</b> 112:1	<b>11</b> 17:7	<b>2,877</b> 11:13
<b>\$2</b> 73:6	<b>11th</b> 26:8	<b>2-575(b)(4)(a)</b> 100:11
<b>\$20,000</b> 112:8 113:1,9,18 114:11	<b>12</b> 61:20 109:20 117:3	<b>20</b> 106:9 107:1 117:7 130:8,13
<b>\$20,850</b> 111:19	<b>12,164</b> 11:17	<b>20,000</b> 73:2
<b>\$215,265.85</b> 112:16	<b>12/29</b> 116:16	<b>20006</b> 86:13
<b>\$22,490,854</b> 54:3	<b>120</b> 61:4 65:9	<b>20008</b> 58:5 78:10
<b>\$26,975</b> 112:5	<b>120,000</b> 42:16	<b>20016</b> 29:16 48:19
<b>\$35</b> 70:11	<b>121</b> 11:22	<b>2020</b> 115:2
<b>\$36,523.75</b> 113:2	<b>12:51</b> 131:18	<b>2022</b> 6:15 115:2
<b>\$40,000</b> 69:11	<b>13</b> 13:18 107:9 108:1 111:8	<b>2023</b> 54:1
<b>\$43,220</b> 114:15	<b>14</b> 17:7 108:14	<b>2024</b> 11:10 12:10 17:14 102:8 115:2,6 119:1,2,10
<b>\$45,000</b> 69:11 73:15	<b>14th</b> 103:2 104:13 119:22	<b>2025</b> 4:12 26:8 32:20 106:9 107:18 108:9,11 110:20 111:13, 21 112:2,12 114:16 115:11 118:19 119:14
<b>\$50,770</b> 114:12	<b>15</b> 69:13 114:20	<b>2025-2026</b> 13:19
<b>\$500</b> 107:15	<b>153,407</b> 11:9	<b>2026</b> 6:12 8:4 13:7,9 20:10 26:6 31:19 32:2,16,19 58:18 76:1 79:17 85:11 107:1 111:11,15,21 112:3,6,14,22 113:4,8,12,17 114:10 116:1,2,5 120:1 127:22 128:14 133:12 134:1
<b>\$52,684.20</b> 113:22	<b>15th</b> 4:13	<b>21</b> 106:16 108:22
<b>\$65,000</b> 69:5	<b>16</b> 107:8 111:20 112:2,6,12,14,17, 22 114:4	<b>21,983</b> 11:18
<b>\$79,145.65</b> 113:10	<b>1620</b> 86:12	<b>216</b> 11:15
<b>\$80,000</b> 112:15	<b>17</b> 17:8 106:22 107:1 112:20 113:3,6 116:4 118:6	<b>22</b> 109:16 114:7,13 117:13
<b>\$85,000</b> 69:5 73:14	<b>18</b> 108:16 113:11,14,20	<b>22nd</b> 5:4
<b>\$944</b> 49:9 72:12	<b>18th</b> 14:17	<b>23</b> 114:16
<b>1</b>	<b>19</b> 107:6 108:20 114:1	<b>23rd</b> 14:6,16 18:5 20:10 23:3 33:15
<b>1</b> 14:13 47:21 109:5 114:5,9,14 116:9 117:2	<b>1988</b> 68:13 76:7	<b>24</b> 117:14
<b>1,000</b> 73:1	<b>1990</b> 80:21	<b>2448</b> 58:4 78:9
<b>1,255</b> 5:17	<b>1:14</b> 131:19	<b>24th</b> 14:19
<b>1,306</b> 5:11	<b>1:15</b> 130:20	
<b>1,687</b> 12:1	<b>1:16</b> 134:22	
<b>1,700</b> 7:16	<b>1B</b> 47:21	
<b>1-1001.16</b> 23:18	<b>1st</b> 32:20	

**25** 109:3 115:2**25th** 83:11**26** 37:1 106:13,17 112:3**2636** 7:21**29** 116:13

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**3**

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**3** 17:4 19:5 104:3 107:18 108:11  
111:21 112:3,7 117:6**3,000** 52:4**3,697** 11:16**30** 19:4 74:14 108:9 117:4**30-some-odd** 68:19**300** 72:22**3017.7** 19:9**3017.9** 19:10**31** 112:9 116:14 117:5**32** 12:1 116:19**33** 19:4**350** 68:20**3511** 75:20**37** 19:4**38** 11:21**39** 114:18**3900** 29:15**3rd** 3:18

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**4**

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**4** 23:22 34:12,17 36:4 43:18 54:6  
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