

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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SPECIAL BOARD MEETING

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TUESDAY
MARCH 25, 2014

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The Special Meeting of the Board of Elections convened in Room 280 North at 441 4th Street, N.W., Washington, D.C. at 10:00 a.m., Deborah K. Nichols, Chairperson, presiding.

BOARD MEMBERS PRESENT:

DEBORAH K. NICHOLS, Chairperson
DEVARIESTE CURRY, Member
STEPHEN I. DANZANSKY, Member

BOARD STAFF PRESENT:

CLIFFORD D. TATUM, Executive Director
KENNETH J. MCGHIE, General Counsel

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

2 10:14 a.m.

3 CHAIR NICHOLS: Good morning.

4 Welcome. I hereby call to order the Special
5 Meeting of the Board of Elections to propose
6 language for the Short Title and Summary
7 Statement of Initiative 71 titled Legalization
8 of Possession of Minimal Amounts of Marijuana
9 for Personal Use Act of 2014.

10 It is Tuesday, March 25, 2014, and
11 we are meeting in Room 280 North of One
12 Judiciary Square. The time is 10:15 a.m.

13 I'm Deborah Nichols, Chairman of
14 the Board. Present with me this morning are
15 members Devarieste Curry and Stephen
16 Danzansky. Also present on the dais are Mr.
17 Ken McGhie, the Board's General Counsel; Mr.
18 Clifford Tatum, the Board's Executive
19 Director.

20 At this point I will turn the
21 meeting over to Mr. McGhie to present the
22 initiative and the process that we are to

1 follow this morning.

2 MR. MCGHIE: Yes, the Board has
3 proposed - has approved as a proper subject
4 for the initiative, a letter submitted that
5 was entitled Legalization of Possession of
6 Minimal Amounts of Marijuana for Personal Use
7 Act of 2014.

8 At this point the Board is now
9 required pursuant to D.C. Code Section 1-
10 1001.16(e) to formulate the Short Title and
11 Summary Statement which will appear on the
12 ballot, and the Office of the General Counsel
13 has submitted its recommended proposed title
14 and summary statement for the Board's
15 consideration.

16 I've also presented the General
17 Counsel's proposal to the proposer who is
18 present with his attorney, and I would ask
19 them to come forward to the table and identify
20 themselves for the record.

21 MS. LAFORGE: Good morning.

22 MR. EIDINGER: Good morning. Adam

1 Eidinger, proposer.

2 MS. LAFORGE: Amanda LaForge,
3 counsel for proposer.

4 MR. MCGHIE: Procedurally what is
5 done is we ask the proposer if they agree with
6 the language recommended by the Office of the
7 General Counsel, and if you do or do not, any
8 suggested language or edits that you would
9 make to our proposal first, and if there are
10 any proponents to the measure, that any
11 language that they would be recommending, and
12 of course, the Board has the final say on what
13 language will appear on the ballot.

14 So at this point, please state
15 your full name and address for the record.

16 MR. EIDINGER: Yes, Adam Eidinger,
17 1858 Mintwood Place, Northwest, Number 4,
18 Washington, D.C. 20009, and should I - this is
19 fine. This is perfect. No problems.

20 MR. MCGHIE: All right, and is
21 there anyone else that would like to be heard
22 on the proposed Short Title and Summary

1 Statement either for or against the measure?

2 No answer.

3 CHAIR NICHOLS: All right.

4 MR. MCGHIE: So at this point does
5 any member of the Board have any suggested
6 changes to our or the General Counsel's
7 proposed language?

8 MEMBER DANZANSKY: Well, yes, I
9 have three changes which will keep us within
10 our wording summary.

11 I recommend that we include in the
12 first summary statement, the first paragraph,
13 this initiative if passed will make it lawful
14 under District of Columbia law so that we do
15 have Federal law that runs contrary to that,
16 and I think our citizens just ought to be
17 informed that this is under D.C. law.

18 Second is since this is a carve-
19 out to a criminal statute, I think we need to
20 be specific and follow the initiative language
21 as closely as possible within our 100-word
22 limit and so I would just recommend that we

1 include the proposer's language relating to
2 transfer without payment but not sell. Our
3 language simply - the language here simply
4 says transfer but not sell and actually
5 transfer without payment is different.
6 Selling is by definition for money versus for
7 a promise or whatever, so I think the
8 proposer's language is more inclusive and is
9 better language, and our voters ought to know
10 what they're voting for, so I would just add
11 the words of the proposer, transfer without
12 payment, with a parenthesis but not sell.

13 Finally, the number of plants, I
14 would again follow the proposer's language up
15 to six plants with the carve-out for three
16 mature cannabis, no more than three of which
17 will be mature flowering plants.

18 So, as I say, since this is a
19 carve-out to a criminal statute, I think the
20 summary ought to be very specific in what it
21 allows and doesn't allow, and so I'm really
22 taking the proposer's language and suggesting

1 that we include that in it for the Board's
2 consideration.

3 CHAIR NICHOLS: Can I clarify your
4 - the second bullet. Are you saying that it
5 should read grow no more than six cannabis
6 plants with three or fewer being mature comma
7 flowering plants comma?

8 MEMBER DANZANSKY: Yes, correct,
9 thank you, madam.

10 CHAIR NICHOLS: Okay. All right.
11 Ms. Curry, do you have any proposed changes?

12 MEMBER CURRY: I don't. I agree
13 with Mr. Danzansky, particularly the first one
14 on the District of Columbia law. I think that
15 one in particular is an important
16 clarification.

17 CHAIR NICHOLS: Do the proposers
18 have any issues with that proposed language?

19 MR. EIDINGER: Can I just consult
20 with him for one second?

21 CHAIR NICHOLS: Sure.

22 MR. EIDINGER: On the summary

1 statement, inserting under D.C. law under
2 lawful, it seems perfectly reasonable and a
3 good clarification. We just would like to get
4 - I'd just like to get the exact language for
5 Bullet 2 and 3 because I think I have grow up
6 to six cannabis plants with three or fewer
7 being mature within the person's principal
8 residence.

9 MEMBER DANZANSKY: Your language.

10 CHAIR NICHOLS: Grow no more than
11 six -

12 MR. EIDINGER: Or it says grow up
13 to six.

14 CHAIR NICHOLS: No more than.

15 MR. EIDINGER: No more than.

16 CHAIR NICHOLS: We're coming from
17 for example Number - Item C in your
18 initiative, the language states no more than
19 six cannabis plants with three or fewer being
20 mature, flowering plants provided that all
21 persons resided blah, blah, blah. Okay?

22 MR. EIDINGER: Okay, yes, that

1 sounds fine, and then the transfer without
2 payment but not sell up to one ounce, I'm just
3 wondering why does not sell clarifies that
4 already because there's no - can you -

5 MEMBER DANZANSKY: Okay, it was
6 your language originally. It might have been
7 redundant, and I think you probably put it in
8 because the definition of the word sell means
9 to exchange for money versus other
10 consideration, and you intended to make it
11 broader including other consideration, so
12 that's - I think that ought to - this ought to
13 reflect that. That's all.

14 MR. EIDINGER: That's fine, so
15 transfer without payment but not sell.

16 MEMBER DANZANSKY: That's correct.

17 MR. EIDINGER: That's fine.

18 MEMBER DANZANSKY: I'm just trying
19 to be true to your language and the reasons
20 for it.

21 MR. MCGHIE: The Board needs to
22 entertain a motion to accept this as the

1 proposed title and summary statement but
2 before - let me read what they - the Short
3 Title and Summary Statement and ask the Board
4 to entertain a motion based on my reading.

5 It would read on the ballot:
6 Initiative Measure Number 71 - Short Title,
7 Legalization of possession of Minimal Amounts
8 of Marijuana for Personal Use Act of 2014
9 Summary Statement - this initiative, if
10 passed, will make it lawful under District of
11 Columbia law for a person 21 years of age or
12 older to possess up to two ounces of marijuana
13 for personal use; grow no more than six
14 cannabis plants with three or fewer being
15 mature, flowering plants within the person's
16 principal residence; transfer without payment
17 but not sell up to one ounce of marijuana to
18 another person 21 years of age or older; and
19 use or sell drug paraphernalia for the use,
20 growing or processing of marijuana or
21 cannabis.

22 CHAIR NICHOLS: All right. I will

1 entertain a motion to adopt the proposed
2 changes to the Summary Statement.

3 MEMBER DANZANSKY: So moved.

4 CHAIR NICHOLS: All in favor.

5 Aye.

6 VOTING: Aye.

7 CHAIR NICHOLS: All opposed. Ayes
8 have it. Now I would like to entertain a
9 motion to adopt the Short Title and Summary
10 Statement and for publication in the D.C.
11 Register for a period of -

12 MR. MCGHIE: It's a ten-day
13 challenge period.

14 CHAIR NICHOLS: Ten-day challenge
15 period. I will entertain a motion to that
16 effect.

17 MEMBER DANZANSKY: So moved.

18 MEMBER CURRY: Second.

19 CHAIR NICHOLS: All in favor.

20 Aye.

21 VOTING: Aye.

22 CHAIR NICHOLS: All opposed. Ayes

1 have it. There being no further business
2 before us, this meeting is adjourned. The
3 time is 10:26 a.m. It is Tuesday, March 25th,
4 2014.

5 (Whereupon, the above-entitled
6 matter was concluded at 10:26 a.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript


In the matter of: Special Board Meeting

Before: D.C. Board of Elections

Date: 03-25-2014

Place: Washington, D.C.

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



Court Reporter

NEAL R. GROSS

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