



**DISTRICT OF COLUMBIA**  
**BOARD OF ELECTIONS**  
WASHINGTON, D.C. 20003



**MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING**  
**March 7, 2018**

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Wednesday March 7, 2018 in the Board’s Hearing Room, located in Suite 750, 1015 Half Street, S.E., Washington, D.C. 20003. The Board’s Chairman Michael Bennett was present, and Board Members Michael Gill and Dionna Lewis were also in attendance. Also present on the dais were Kenneth McGhie, the Board’s General Counsel; Cecily Collier-Montgomery, the Director of OCF; and Alice Miller, the Board’s Executive Director.

**Chairman Bennett** called the meeting to order at 11:03 a.m.

The meeting agenda was approved and adopted.

The minutes of the last regular meeting on Wednesday, February 1, 2018 were moved for approval and adopted without objection with a correction of the address of the Board’s office in the opening paragraph.

**Mr. McGhie presented the General Counsel’s report.**

- Mr. McGhie presented a proposed initiative entitled, Legalization of Retail Cannabis in the District of Columbia 2018, (LRC) for Board consideration determining whether the proposed measure is a proper subject for initiative.
  - The proposer of the measure, Mr. Asar Mustafa, proceeded to explain his proposed measure: That you can sell it -- you can sell cannabis in a dispensary, or you can have a grow house, or where you're the citizen. It's a business. And now you have the rights and the licensing to do -- to sell cannabis or whatever is involved in cannabis. It's the legalization of retail cannabis in the District of Columbia 2018. 39.9 percent of tax dollars that go to the people who need the most constructive help, with the Black citizens here in the District of Columbia.
  - Mr. McGhie summarized the opinion of the D.C. Attorney General on the matter of proper subject: he said that this was not a proper subject matter for an initiative, basically, for four reasons. It was not in the proper legislative form, and it violated the D.C. Appropriations Act. Congress put a provision in there that prohibits the District from using any funds that would minimize the penalties for possession of marijuana. It is also a law appropriating funds, that the initiative identified funds and directed how it should be spent when it said that 39 percent of the tax money shall go to Black enterprises. Finally, the initiative violated the D.C. Human Rights Act in that it discriminated on the basis of race because the tax dollars were only going to be for the benefit of Black businesses and Black farmers.
  - Staff Attorney Rudolph McGann summarized the position of the Office of the General Counsel: LRC presents an improper subject for initiative because it

improperly appropriates funds by requiring the allocation of tax revenues to a new purpose in establishing an unfunded program and it cannot function as intended without forcing the Council to appropriate for an unknown expense.

- Witnesses in support of the proposed measure offered testimony before the Board:
  - Antoine Nailon—I need to actually talk with the person who's initiated everything and we would have to discuss more about the language that's being used in this initiative. I wasn't aware of this rule set either.
  - Lisa Scott—I am fully aware that there is a Harris rider on our laws and I don't know how the process of removing the Harris rider is. The recreational cannabis is legal now in nine states, plus District of Columbia, but we are not free because of the Harris rider.
  - Danielle Sherman—I am speaking on behalf of the Cannabis Consumers Coalition. We are a 501(3)(c) non-profit organization, watchdog organization. I think this initiative for D.C. opens doors for individuals to be able to create revenue, not just for themselves, but for the city.
  - Scott Williams— I'm the president of the D.C. Cannabis Business Association, and also a resident of Deanwood. We're an association of cannabis businesses in the District who have gathered to promote the private legal industry started by I-71 and our member companies. The District is missing out on over \$100 million in tax revenue, based on current numbers coming out of Colorado and Washington. Cannabis tax revenue would account for over 1 percent of that total operating budget. From undercutting the black market to ensuring the cannabis being sold in the District is being grown in the District, establishing a retail framework will only benefit D.C. and its people.
  - Justin Asifo— Colorado has the lowest unemployment rate and that's due to the fact that the legal cannabis retail industry created over 18,000 new full-time jobs. D.C. has the potential to be the flagship for recreational marijuana, based on the fact that it's D.C. So with that being said, we have an influx of international tourism, we have the potential to increase our GDP.
  - Arsalan Khan— I'm representing Trending Leafs. We're located at 652 Girard Street, NE. Whether this plant is something spiritual, whether it comes from this ethereal land that we think of, before humanity, it is sacred and it has a right to exist, just as any living creature that gives so much to so many. This pharma-piñata, it needs to get cracked open. There are too many poor people.
  - Corey Williams— medical marijuana patient. I've been off of opioids for five years. There's a K2 epidemic that's going on in D.C. right now, especially in the homeless section. People are not taking advantage of Initiative 71.
  - Tim Catron— the solution is to not appropriate the funds. I mean, it's absolutely ridiculous to deny the city an opportunity to make 39 percent tax. There's no questioning the benefit of the plant. I mean, we all realize that, but you have to take advantage of these tax dollars, and we have to have the freedom to market the non-CBD items, like the citizens voted to have access to it.

- Daniel Wallace— We are looking for a way to be able to comply and to work within the legal boundaries so that we can be part of the city and more than just taxes, but the community and the society that's here.
- Marvin Plunkett— it gives the youth a chance, or another chance, it gives young adults another chance, it gives the city another chance, and gives the "citizens" another chance.
- Jeffrey Allen Parsons II— I don't really understand the hesitation with something that's been proven to work in other places, with not only, like, the medical benefits, and then the benefits in society with crime going down, and then I believe that one of the things that could help boost the economy, small businesses, and people working for people and they could help boost our community, are small businesses owned by our community.
- Karen Warves-- and we have the opportunity to grow hemp and give cannabinoids -- and let people eat it, have no hallucinogenic reactions to it, but be healthy?
- Hani Ahmed-- I am a mental patient. I haven't took my medications for nine months. You want to know why? It's because I'm taking marijuana. CBD. But most importantly, THC keeps my calm. So you all rather us spend thousands of dollars with these doctors that is making me worse? We voted it (Initiative 71) in. We should have our freedom to do it.
- The proponent of the measure, Mr. Asar Mustafa, testified in support of the measure: Now, we're talking about the 39 percent, something has to happen to appropriate funds to send to Black citizens who need it the most, who need the most constructive effort. This is a way that the city doesn't have to come out of their pocket. I'm saying to Mr. Andy Harris, Maryland has a medicinal policy and they're contemplating on legalization. So the citizens of Maryland, they can have legalization of marijuana, but you're saying that you don't want the tax or sale of cannabis in the District of Columbia? I know throughout the country, Black citizens are being etched out of the business of cannabis, and being monopolized.
- Mr. McGhie presented notice of proposed emergency rulemaking to Chapters 10 through 11 and 14 through 17. The purpose of these amendments is to establish rules for the use of electronic petitions following the passage of the Ballot Access Modernization Amendment Act of 2016. Ms. Miller explained that E-sign allows candidates circulating petitions to obtain those petitions by using an electronic method. We have the iPads available for individuals who wanted to use it, through a rental process, \$350 to rent it.
  - **BOARD ACTION:** The Board unanimously accepted the proposed emergency rulemaking.

**Ms. Miller gave the Executive Director's report.**

- The results of the Initiative Petition Measure Number 77. That's the District of Columbia Minimum Wage Amendment Act of 2017. It was filed on April 3, 2017. The proponent filed 40,679 signatures, of which 27,688 were proved to be valid, which was 3218 over the minimum required number of signatures. We received back from the Office of Planning on February 21st, a certification that the statistical summary and findings on Initiative Measure 77 was, in fact, sufficient with a 95 percent confidence rate. I would recommend that our Board certify it for ballot access with the next citywide election,

which is the June 19 primary election, and that's pursuant to D.C. Committee Section 1-1001.1601.

- **BOARD ACTION:** The Board unanimously accepted the executive director's proposal and the Initiative No. 77 will be on the June 19 ballot, that is the primary election ballot, but all registered voters will be qualified to vote on the initiative measure.
- The nominating process continues. The petitions became available on June 26th. The list of those individuals who have picked up is available on our Board's Web site, and it's updated daily. Deadline for filing the nominating petitions is March 21st.
- The Board published on our voter roll, a list of 22,557 inactive voter records posted on February 28th. They contain the name, board number, zip code, and registration year of the last ballot cast of these voter states that were made inactive. Those individuals' names will be removed from our voter registry by Tuesday, March 20th. We are asking individuals who see their names on there, and if they believe they shouldn't be on there, to notify us and to update their information so that they will not be removed.
- The Board is in the process of updating voter information received from the Electronic Registration Information System, ERIC. We've mailed 3732 notices to individuals who, based on information received from our other ERIC states, no longer reside in the District of Columbia, and we have sent 4137 notices to in-state registrants that indicate the information on our voter registry needs to be updated.
- The Board will begin notifying eligible, unregistered residents to let them know that they are eligible to vote, that they have not registered to vote, and we will be requesting them to do so before, I think the date is, May 29<sup>th</sup>.

**Ms. Collier-Montgomery gave the Director of Campaign Finance report:**

- The Office of Campaign Finance is tentatively scheduled to move from our present location at 2000 14th Street, NW, to this location, 1015 Half Street, SE, on or about May the 5th, 2018.
- The January 31st report of receipts and expenditures by active principle campaign committees, political action committees, as well as our continuing committees: 129 required filers (71 principle campaign committees and 58 political action committees); 109 timely filers; one request for an extension; and were 20 failures to file (17 principle campaign committees and 3 political action committees).
- 76 new candidates and committees who registered during the month of February 2018, and that number also reflects several slates of candidates who registered as well. These stats will be published at our Web site so that the public can know exactly who registered during the month of February.
- OCF conducted entrance conferences.
  - January 31, 2018. The participants were Michael Christian Woods, Candidate, MC4DC Mayor, Macqueline Woods, Treasurer, MC4DC Mayor, Lakew Alemu, Treasurer, Committee to Elect Ernest Johnson for Mayor.
  - February 14, 2018, the participants at the entrance conference were Calvin Gurley, Candidate, Friends of Calvin Gurley, Ed Lazere, Candidate, Ed Lazere for D.C. Chair, Lloyd L. David, II, Candidate, Davis for D.C. Mayor 2018, Omekonga Dibinga, Candidate, Dibinga for D.C., Jason Andrean, Candidate, Jason Andrean for School Board, Bradley A. Thomas, Candidate, Committee to

Elect Bradley A. Thomas, Kendrick Curry, Treasurer, Ed Lazere for D.C. Chair, Daniel E. Kirner, III, Treasurer, Petar Dimtchev for Ward 3, Terrence L. Jordan, Treasurer, James Butler for Mayor

- February 28, 2018, the participants at the entrance conference were Elizabeth Mitchel, Candidate, Ward 3, Blue Wave Democrats, Shelley Tomkin, Candidate, Ward 3, Blue Wave Democrats, Hugh Allen, Candidate, Ward 3, Blue Wave Democrats, Mary Alice Levine, Treasurer, Ward 3, Blue Wave Democrats, and Dorian Blythers, Treasurer, Jason Andrean for School Board.
- During the month of February, the audit branch conducted 111 desk reviews of the reports of receipts and expenditures of political action committees as well as principle campaign committees.
- There are 5 campaigns which are currently under audit, Brianne for D.C. 2018, initiated on September the 27th, 2017, and that was of the July 31, 2017 filing, Re-elect Muriel Bowser Mayor, and the periodic random audit was of the January 31, 2018 filing, Karl Racine 2018, was of the January 31, 2018 filing, Kenyan McDuffie 2018, the audit was of the January 31, 2018 filing, Dionne for D.C., the audit is of the January 31, 2018 filing, and the audit notification letters for the audit which was initiated of the January 31, 2018 filing were issued on February the 16, 2018.
- Periodic random audits for our political action committees: Greater Washington D.C. Insurance and Financial Advisors PAC; Verizon Communications, Inc., with Government Club Washington, D.C; and Food Service PAC. The audits are of the January 31, 2018 filing, and the audit notification letters were issued on February the 16, 2018 to political action committees.
- Metropolitan PAC audit was issued on February the 26th, 2018, and the Ward 4 Constituent Service Fund, audit was issued on February the 26th, 2018.
- **Mr. SanFord gave the General Counsel's report.**
  - The Office of the General Counsel received 20 referrals from Public Information and Records Management Division and one referral from the Reports Analysis and Audit Division. The referral from the Reports Analysis and Audit Division was subsequently withdrawn.
  - The Office of the General Counsel collected a total of \$6,575 in fines, which includes the following:
    - \$1500 was paid by Jeffrey Thompson as part of an installment plan on fines that had been imposed previously; a fine of \$5000 was paid by Karl Racine for Attorney General Committee, Karl Racine for Attorney General 2014, and that was the total amount of that fine, and a fine of \$75 was imposed and paid by Ricky Williams, an ANC candidate in the last election.
  - The Office of the General Counsel received one request for an interpretive opinion. The requester was Donald R. Dinan, Esq., that was submitted on the 22nd of February 2018. The issue was contribution to slates and that matter is still pending before the Office of the General Counsel.

**Mr. Andre Carley raised public matters:**

- I am an ANC 4B01 Commissioner and the Chair of ANC 4B. I'm here to ask you to initiate the rather unpleasant task of vacating ANC Commission SMD4B05 due to the fact that the present commissioner no longer resides in the area in a residence.

- **Sheila Tyson.** I'm actually filing a complaint because we do not have representation of an ANC in 4B05. Ms. Hughes used to live next door to me at 415 Marietta Place, but she was, unfortunately, evicted from that house. She used an address on Nicholson Street, and I do have an affidavit from that homeowner, that she does not reside there.
- She'll have to present whatever evidence that she has that she still lives there, and you can refute it with whatever evidence you have, and then it's the ANC that makes the decision on whether or not she lives there or not, and does a resolution. If you send the Board a resolution that says she doesn't live there anymore, and she disagrees and she wants to challenge it, she can file an appeal to the Board here, and then we will have a hearing on whether or not she lives there. At which point, Ms. Tyson was referred to staff attorney Renee Christensen for further assistance with this matter.

There being no further business before the Board, the meeting adjourned at 12:53 p.m.