

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

February 18, 2020

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The District of Columbia Board of Elections convened a Special Board Meeting in Suite 750, 1015 Half Street, S.E., Washington, D.C., 20003, pursuant to notice at 11:50 a.m., Michael Bennett, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

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

BOARD OF ELECTIONS STAFF PRESENT:

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

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

(11:53 a.m.)

1
2
3 CHAIR BENNETT: Good morning. This is
4 the Special Meeting of the Board, February 18th,
5 to consider the matter associated with the
6 Entheogenic Plant and Fungus Policy Act of 2020.
7 Let me call the meeting to order. Can you hear
8 us okay?

9 To my far left is Executive Director
10 of the Board of Elections, Ms. Alice Miller. To
11 her right is Board Member Karyn Greenfield. To
12 my left is granddaughter Christine Bennett. To
13 my right is General Counsel Terri Stroud, and to
14 her right is Board Member Michael Gill.

15 The meeting is now called to order,
16 and I will turn it over to Ms. Stroud --

17 MS. STROUD: Thank you.

18 CHAIR BENNETT: -- for the order of
19 business.

20 MS. STROUD: So as Chairman Bennett
21 indicated, this meeting is to have a hearing to
22 formulate the short title, summary statement, and

1 legislative form of the proposed initiative
2 measure titled the Entheogenic Plant and Fungus
3 Policy Act of 2020.

4 My office has prepared draft
5 formulations, and I will read those formulations
6 for the short title and summary statement into
7 the measure -- I mean, into the record. The
8 short title is the Entheogenic Plant and Fungus
9 Policy Act of 2020.

10 The summary state reads as follows: if
11 enacted, this initiative would make the
12 investigation and arrest of adults for
13 noncommercial planting, cultivating, purchasing,
14 transporting, distributing, possessing, and/or
15 engaging in practices with entheogenic plants and
16 fungi among the Metropolitan Police Department's
17 lowest law enforcement priorities and codify that
18 the people of the District of Columbia call upon
19 the Attorney General for the District of Columbia
20 and the United States Attorney for the District
21 of Columbia to cease prosecution of residents of
22 the District of Columbia for these activities.

1 Those are the formulations, and Mr.
2 Chair?

3 CHAIR BENNETT: Okay. At this point,
4 we'll entertain any suggestions from the Board
5 members. Ms. Greenfield, any suggestions?

6 MEMBER GREENFIELD: No, I don't have
7 any. I'm fine.

8 CHAIR BENNETT: Mr. Gill?

9 MEMBER GILL: No, I don't have any
10 suggestions. I just wanted to make it clear that
11 I was not here when this was originally debated.
12 And had I been here, I would've voted in favor of
13 including it and it is proper subject matter.
14 But I continue to worry about text within these
15 referendums --

16 MS. STROUD: Initiatives.

17 MEMBER GILL: -- initiatives. That
18 being said, it's more of a communications issue
19 that I have than with the actual text. I don't
20 think we want to get into the business of editing
21 texts.

22 In this one, I talked to the general

1 counsel about the reference to scientific
2 studies. But there's no citation. There's no
3 backing to that at all.

4 The way that you oppose that is you
5 don't sign the petition. And I think it's more a
6 matter of Board of Elections communicating that
7 we don't mess with the text. But if you don't
8 support it, then you don't sign it.

9 So I just want to raise that. But
10 otherwise I have no suggestions, Mr. Chairman.
11 Thank you.

12 CHAIR BENNETT: Thank you. Any
13 suggestions from any interested parties that are
14 here?

15 MS. STROUD: You can come forward.

16 CHAIR BENNETT: Yeah.

17 MS. STROUD: And if you could both
18 state your names and addresses for the record.

19 MS. LAVASANI: Melissa Lavasani, 901
20 9th Street, Northeast, Washington, D.C. 20002.

21 MR. SANDLER: I'm Joseph Sandler,
22 counsel for the proposer and the Committee, 1090

1 Vermont Avenue, Suite 750, Washington, D.C.
2 20005.

3 CHAIR BENNETT: Thank you. This is
4 your opportunity if you have any suggestions for
5 the language or anything else that you would like
6 to add.

7 By the way, I would just note for the
8 record that the conduct of the hearing we had,
9 the meeting we had before, was well done. I
10 think the positions were well stated. And you
11 gave us the kind of things that we needed, both
12 in writing and in testimony that helped us get
13 through the process. And we don't always have
14 that. So well done. Thank you.

15 MS. LAVASANI: Thank you.

16 MR. SANDLER: Thank you, Mr. Chairman.
17 And we greatly appreciate the Board expediting
18 the instruments, the summary and title and
19 legislative form. We have no suggestions.

20 We do have one question which is
21 assuming that the Board approves the short title,
22 summary statement, and legislative text in this

1 forum today and it's published in the Register,
2 then probably presumably Friday, February 28th.

3 The ten-day period for a court
4 challenge would not expire until the 9th of March
5 at the next regular meeting. And we wanted to
6 inquire as to whether -- assuming there's no
7 court challenge, of course, no one can be sure.

8 But on that assumption, could we
9 anticipate that the Board will schedule a special
10 meeting so that the condition form would be
11 received by mid-March?

12 (Simultaneous speaking.)

13 CHAIR BENNETT: You're stealing my
14 further question on that point. However, I'll
15 answer now since you asked now. You're right
16 with regard to your schedule that assuming things
17 happen today and the DC Register registration
18 court challenge ends March 9th. The next
19 scheduled full Board meeting is on April 1st, I
20 believe, right?

21 MS. STROUD: It is.

22 CHAIR BENNETT: At the latest, it'll

1 be April 1st. We will make an attempt to have a
2 special meeting in advance of that to try and get
3 it issued to allow you to start collecting
4 signatures as soon as possible. We're looking
5 out for you.

6 So that's the answer. I just need to
7 talk to the other Board members and figure out
8 when we can get it done. The other thing is we
9 actually do have the capability to do virtual
10 meetings. And for something like that, we may
11 end up -- if we're not able to get everybody's
12 calendar lined up. Of course, this could be here
13 -- if this would be short-term, then obviously we
14 could issue it.

15 So the long answer to your short
16 question is we're going to try to get it as soon
17 as possible. The latest would be April 1st, but
18 we understand that you'd like to get it started
19 sooner versus later.

20 MR. SANDLER: I appreciate that.

21 Thank you, Mr. Chairman.

22 CHAIR BENNETT: Okay. If there's

1 nothing else, I will call for a motion from one
2 of our Board members. And since Mr. Gill didn't
3 have an opportunity to just in the last meeting,
4 I'll ask Mr. Gill if he'd like to provide a
5 motion.

6 MEMBER GILL: A motion for the --
7 sorry. A motion for the Board to accept the
8 short title, the summary statement, and the
9 subtext?

10 CHAIR BENNETT: Okay. Can I get a
11 second?

12 MEMBER GREENFIELD: I second.

13 CHAIR BENNETT: It's properly moved
14 and seconded and it's time for a vote. I'll ask
15 for a specific vote. Ms. Greenfield, your vote
16 is?

17 MEMBER GREENFIELD: Yes.

18 CHAIR BENNETT: Mr. Gill?

19 MEMBER GILL: Aye.

20 CHAIR BENNETT: And I vote yes as
21 well. So unanimous. We will move forward with
22 the process since you guys have no suggestions.

1 And Ms. Stroud?

2 MS. STROUD: So as the Board has
3 officially adopted the short title, summary
4 statement, and legislative form that was read
5 into the record, we will publish the formulations
6 in the D.C. Register.

7 We'll publish them today. We'll send
8 them to the Registry today and they should be
9 published not this coming Friday but the next
10 Friday as he indicated. And that will start a
11 ten-day challenge period during which anyone can
12 file objections to the Board's formulations.

13 And as you indicated, the last day for
14 a challenge to be filed will be March 9th. And
15 so that will be the last day for anyone to
16 challenge. And if everything goes without a
17 challenge, then at any time after that, the Board
18 can issue the petition. And Chairman Bennett
19 indicated what are timeline will be in the
20 instance that there's no challenge filed.

21 CHAIR BENNETT: So I will talk to the
22 Board members after this session and see if we

1 can figure out a day that we can get that done.
2 And don't hold me to it. But at the latest,
3 it'll be April 1st.

4 But we'll really do our best to try
5 and make sure that we can have it sooner so that
6 you can get started as soon as possible after the
7 challenge, assuming there are no challenges to
8 the petition.

9 MR. SANDLER: Thank you.

10 MS. LAVASANI: Thank you.

11 CHAIR BENNETT: Okay, great. If there
12 are no other matters for the Board today. Ms.
13 Miller? Ms. Stroud?

14 MS. MILLER: I have nothing.

15 CHAIR BENNETT: Okay.

16 MS. STROUD: I have nothing further.

17 CHAIR BENNETT: All right. This
18 meeting is adjourned. Thank you.

19 (Whereupon, the above-entitled matter
20 went off the record at 12:03 p.m.)
21
22

<p style="text-align: center;">A</p> <p>a.m 1:12 2:2 able 8:11 above-entitled 11:19 accept 9:7 Act 2:6 3:3,9 activities 3:22 actual 4:19 add 6:6 addresses 5:18 adjourned 11:18 adopted 10:3 adults 3:12 advance 8:2 Alice 1:20 2:10 allow 8:3 and/or 3:14 answer 7:15 8:6,15 anticipate 7:9 appreciate 6:17 8:20 approves 6:21 April 7:19 8:1,17 11:3 arrest 3:12 asked 7:15 associated 2:5 assuming 6:21 7:6,16 11:7 assumption 7:8 attempt 8:1 Attorney 3:19,20 Avenue 6:1 Aye 9:19</p>	<p>7:22 8:22 9:10,13,18 9:20 10:21 11:11,15 11:17 Chairman 2:20 5:10 6:16 8:21 10:18 challenge 7:4,7,18 10:11,14,16,17,20 11:7 challenges 11:7 Christine 2:12 citation 5:2 clear 4:10 codify 3:17 collecting 8:3 Columbia 1:2,11 3:18 3:19,21,22 come 5:15 coming 10:9 Committee 5:22 communicating 5:6 communications 4:18 condition 7:10 conduct 6:8 consider 2:5 continue 4:14 convened 1:11 counsel 1:21 2:13 5:1 5:22 course 7:7 8:12 court 7:3,7,18 cultivating 3:13</p>	<p>expediting 6:17 expire 7:4</p> <p style="text-align: center;">F</p> <p>far 2:9 favor 4:12 February 1:9 2:4 7:2 figure 8:7 11:1 file 10:12 filed 10:14,20 fine 4:7 follows 3:10 form 3:1 6:19 7:10 10:4 formulate 2:22 formulations 3:5,5 4:1 10:5,12 forum 7:1 forward 5:15 9:21 Friday 7:2 10:9,10 full 7:19 fungi 3:16 Fungus 2:6 3:2,8 further 7:14 11:16</p>	<p style="text-align: center;">J</p> <p>Joseph 5:21</p> <p style="text-align: center;">K</p> <p>Karyn 1:16 2:11</p> <p style="text-align: center;">L</p> <p>language 6:5 latest 7:22 8:17 11:2 Lavasani 5:19,19 6:15 11:10 law 3:17 left 2:9,12 legislative 3:1 6:19,22 10:4 lined 8:12 long 8:15 looking 8:4 lowest 3:17</p>
<p style="text-align: center;">B</p> <p>backing 5:3 believe 7:20 Bennett 1:13,15 2:3,12 2:18,20 4:3,8 5:12,16 6:3 7:13,22 8:22 9:10 9:13,18,20 10:18,21 11:11,15,17 best 11:4 Board 1:4,6,11,11,14 1:18 2:4,10,11,14 4:4 5:6 6:17,21 7:9,19 8:7 9:2,7 10:2,17,22 11:12 Board's 10:12 business 2:19 4:20</p>	<p style="text-align: center;">D</p> <p>D 1:21 D.C 1:12 5:20 6:1 10:6 day 10:13,15 11:1 DC 7:17 debated 4:11 Department's 3:16 Director 1:20 2:9 distributing 3:14 District 1:2,11 3:18,19 3:20,22 draft 3:4</p>	<p style="text-align: center;">G</p> <p>general 1:21 2:13 3:19 4:22 Gill 1:15 2:14 4:8,9,17 9:2,4,6,18,19 GOVERNMENT 1:1 granddaughter 2:12 greatly 6:17 Greenfield 1:16 2:11 4:5,6 9:12,15,17</p>	<p style="text-align: center;">M</p> <p>March 7:4,18 10:14 matter 2:5 4:13 5:6 11:19 matters 11:12 mean 3:7 measure 3:2,7 meeting 1:6,11 2:4,7,15 2:21 6:9 7:5,10,19 8:2 9:3 11:18 meetings 8:10 Melissa 5:19 Member 1:15,16 2:11 2:14 4:6,9,17 9:6,12 9:17,19 members 1:14 4:5 8:7 9:2 10:22 mess 5:7 Metropolitan 3:16 Michael 1:13,15 2:14 mid-March 7:11 MIKE 1:15 Miller 1:20 2:10 11:13 11:14 morning 2:3 motion 9:1,5,6,7 move 9:21 moved 9:13</p>
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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: Board Meeting

Before: DC BOE

Date: 02-18-20

Place: Washington, DC

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my direction; further, that said transcript is a
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Court Reporter

NEAL R. GROSS

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