

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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REGULAR BOARD MEETING

+ + + + +

WEDNESDAY

MAY 6, 2020

+ + + + +

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

BOARD OF ELECTIONS MEMBERS PRESENT:

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

BOARD OF ELECTIONS STAFF PRESENT:

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

ALSO PRESENT:

CECILY COLLIER-MONTGOMERY, Director,
Office of Campaign Finance

C-O-N-T-E-N-T-S

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

(10:06 a.m.)

CHAIR BENNETT: Good morning. This is Michael Bennett, Chair of the D.C. Board of Elections, and I would like to call to order our meeting, slash, hearing for May 6, 2020. It is 10:06 a.m. Thank you for -- we adjusted the time from 10:30 to 10:00 so thank you, all, for attending.

I've already checked and we have a quorum. Michael Gill, Board Member, and Karyn Greenfield, Board Member, also here so we have a full complement this morning. What I would like to do now is to get a motion to adopt the agenda and the minutes.

For a sense of order, I'm going to ask the particular Board Member for a motion so we don't have two speaking at once. If I could get Karyn Greenfield to provide a motion for the adoption of the agenda and approve the minutes from April 1st.

MEMBER GREENFIELD: Yes, I move that

1 we adopt the agenda and approve the minutes from
2 April 1st.

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

5 MEMBER GILL: This is Mike. I second
6 that.

7 CHAIR BENNETT: Thank you so much.
8 It's been properly moved and seconded. The vote
9 is unanimous. I vote that we approve them as
10 well. The minutes and the agenda for -- the
11 minutes of last time and the agenda for today
12 have been approved.

13 Are there any Board matters, Mr. Gill?

14 MEMBER GILL: I have none. Thank you.

15 Oh, you know what? I have something --

16 CHAIR BENNETT: Board matters, Ms.
17 Greenfield?

18 MEMBER GILL: -- that I raised with
19 Alice after hers.

20 CHAIR BENNETT: Sorry, Mr. Gill? Say
21 it again?

22 MEMBER GILL: I want to raise

1 something with Alice that I have spoken to her
2 about but I'll do that after the Executive
3 Director's Report.

4 CHAIR BENNETT: Okay, great. Thank
5 you so much. I'll note that.

6 Ms. Greenfield, any Board matters?

7 MEMBER GREENFIELD: No, I don't have
8 any.

9 CHAIR BENNETT: Okay. I only had one
10 and that is that the changes that we made with
11 regard to creating vote centers and requesting
12 that everybody -- that all D.C. voters request
13 their ballots. The process is going along really
14 well. People are making their requests. We are
15 getting ballots out.

16 I just wanted to compliment all the
17 staff, particularly starting with the Executive
18 Director, for all the hard work and getting
19 things done. The Board is very, very
20 appreciative of all the staff. I wanted to start
21 out with that. This is a tough, tough process.

22 We've been doing lots and lots of

1 webinars trying to get the word out. The public
2 and the various groups have been just amazing.
3 We got, I think, at least two today.

4 We are now starting to average
5 probably between one and two webinars and
6 speaking engagements a day, just about, so this
7 is happening. We are very, very thankful and
8 appreciative of the support of the public and the
9 staff as well. Anyway, that's my Board matter.

10 Somebody is not on mute so if you
11 could put yourself on mute, that would be great.

12 All right. The next item on the
13 agenda is the Campaign Finance Report. I didn't
14 check but is Cecily Montgomery, Ms. Montgomery,
15 on the line?

16 MS. COLLIER-MONTGOMERY: Yes, I am.

17 CHAIR BENNETT: Okay, great. Could
18 you provide the Office of Campaign Finance
19 Report?

20 MS. COLLIER-MONTGOMERY: Yes.

21 CHAIR BENNETT: Thank you.

22 MS. COLLIER-MONTGOMERY: Good morning.

1 The first thing I would like to report is that
2 the Office of Campaign Finance is continuing to
3 operate under a modified status until May 15,
4 2020. All of our services are being provided
5 remotely via email and telephone at (202) 671-
6 0547.

7 All candidate and committee reports
8 continue to be received online at our website on
9 the required deadlines. Also, if candidates have
10 any questions concerning the registration
11 process, they may also contact our office for
12 instructions.

13 In our Fair Elections Program Division
14 during the month of April, I would note that
15 there are currently 44 committees registered in
16 the Fair Elections Program and 38 of those
17 committees are active.

18 CHAIR BENNETT: Ms. Montgomery, let me
19 stop you.

20 If everyone could put themselves on
21 mute.

22 Ms. Montgomery, would you continue,

1 please?

2 MS. COLLIER-MONTGOMERY: Are we ready?

3 CHAIR BENNETT: Yes, please continue.

4 MS. COLLIER-MONTGOMERY: We have six
5 committees who will be notified of their failure
6 to meet the qualifications for certification,
7 that is by meeting the threshold requirements
8 during the qualifying period which ended on March
9 4th of the June 2nd primary election, and on
10 March 18th for the June 16th Ward 2 special
11 election.

12 Those committees are Nate Brown 2020,
13 Danielle Platt for Ward 8, Katherine for Ward 2,
14 Vote Fria Moore 2020, Rosenberg 2020, and Daniel
15 Hernandez for Ward 2. We did certify two
16 candidates during the month of April. The first
17 one was Ed Lazere for D.C. Council At-Large who
18 is certified as a participating candidate in the
19 November general election on April 30, 2020.

20 We also certified Fanning for Ward 2
21 Special June 16, 2020 as a participating
22 candidate in the special election for Ward 2 on

1 April 15th. The Fair Elections Program issued
2 five status reports to candidates who are seeking
3 certification in the program who have not met the
4 threshold requirement.

5 With respect to authorized base
6 amounts and matching payments, as of April 30,
7 2020 the total sum of \$2,163,078.05 has been
8 dispersed in base amounts and matching payments
9 between the 21 candidates who have been certified
10 under the program.

11 I would note that the Committee to
12 elect Janeese Lewis George has received the
13 maximum allowable cap for matching payments of
14 \$241,055 for qualified small-dollar contributions
15 for a participating candidate for the covered
16 office of member of the council elected from a
17 ward during the 2020 election cycle. She has also
18 received a total base payment of \$40,000.

19 During April 2020 the total sum of
20 \$313,387.90 was distributed in base payment and
21 matching payment to the following FEP-
22 participating candidates. The first was on

1 4/15/2020 to Fanning for Ward 2 Special Election.
2 He received \$20,000 in base amount, and also
3 \$34,396 in matching payments.

4 On 4/15 Kishan for D.C. 2020 received
5 \$4,925 in matching payments. On 4/15 Jordan
6 Grossman for Ward 2 special election was
7 authorized a disbursement of \$1,033.65. On 4/15
8 Kishan Putta for Ward 2 special election 2020 was
9 authorized \$6,900 for disbursement in matching
10 payments.

11 On 4/15 Chander for Council was
12 authorized \$6,550 in matching payments. On 4/15
13 Friends of Christina Henderson was authorized
14 \$725 in matching payments. On 4/15 John Fanning
15 for Ward 2 was authorized \$1,250. On 4/15
16 Patrick Kennedy for Ward 2 Special June 16, 2020
17 was authorized \$4,000 in matching payments.

18 On 4/30 Ed Lazere for D.C. Council At-
19 Large was authorized \$20,000 in the base amount,
20 and \$185,691 in matching payments. On 4/30
21 Janeese Lewis George was authorized in matching
22 payments for disbursement \$75 and \$13,893.60.

1 With respect to the second half base
2 amount, those payments were authorized to
3 candidates in the June 2, 2020 primary election
4 who achieved ballot access and we have three. On
5 4/13 John Fanning for Ward 2 was authorized the
6 second half of the base amount payment, \$20,000.

7 On 4/13 Kishan for D.C. 2020 was
8 authorized the second half of the base amount
9 payment in the amount, again, of \$20,000. On
10 4/13 Patrick Kennedy for Ward 2 was authorized
11 the second half of the base amount payment in
12 \$20,000.

13 The Fair Elections Program also
14 conducted 52 desk reviews of the reports of
15 receipts and expenditures which were filed on the
16 optional March 30, 2020 deadline, and the April
17 10, 2020 mandatory filing deadline. The program
18 also issued nine requests for additional
19 information as a result of the desk review.

20 The program attended two hearings
21 which were held by the Office of the General
22 Council. With respect to delinquency matters,

1 one was with Marcus Batchelor for D.C. The
2 second one is with John Fanning for Ward 2.
3 Those hearings were held on April 29th.

4 The candidate information by election,
5 with respect to the June 2nd primary election, we
6 have 11 candidates who have certified as
7 participating candidates in the program. The
8 June 16th special election, there are four
9 candidates who have certified as participating
10 candidates.

11 With respect to the November 3, 2020
12 general election, there are six candidates who
13 are certified as participating candidates.
14 Again, this means that those candidates are
15 entitled to or eligible for the disbursement of
16 base amount, as well as the disbursement of
17 matching fund payments for qualified small-dollar
18 contributions.

19 I would also like to note for the
20 public's information that by the end of the day,
21 you will also find posted at the OCF homepage
22 under press releases, lists and charts of the

1 candidates who are registered in our traditional
2 Campaign Finance Program, and also the FEP
3 programs with the breakdown by election of all of
4 the candidates who are certified in the program.
5 Also it will show you the payouts from the
6 election fund which I have just reported as well.

7 In our Public Information and Records
8 Management Division there were filing dates
9 during the month of April. The first one was the
10 Constituent Service Program. Their activity
11 report, report of receipts and expenditures, was
12 due on April 1st. We had nine required filers.
13 All timely filed and electronically filed their
14 reports.

15 With the Senator-Representative
16 Statehood Fund Program, April the 1st also was
17 the deadline for the filing of the report of the
18 receipts and expenditures. We have three
19 required filers and all three timely filed their
20 reports and electronically filed their report.

21 With Legal Defense Committees we
22 currently have one that is registered. The fifth

1 report of their receipts and expenditures was due
2 on April the 1st. The committee timely filed the
3 report and also electronically filed the report.

4 For the Fair Elections Program, again
5 April the 10th was the mandatory filing date for
6 the report of receipts and expenditures. There
7 were 39 who were required filers and 33 timely
8 filed. Three requested and were granted
9 extensions. We had six failures to file.

10 The referrals are to be determined.
11 All of the registrants who filed -- who timely
12 filed also electronically filed their reports.
13 Also, I report that one committee did, in fact,
14 file the optional April the 30th report of
15 receipts and expenditures.

16 With our new candidates and committees
17 who registered during the month of April, we have
18 three and they registered in the traditional
19 Campaign Finance Program. The first was Peter
20 Boton, Peter Bolton for Ward 2, City Council,
21 registered on March 27th; Ann Wilcox Candidate
22 At-Large City Council registered on April 5th;

1 Rick Murphy, Friends of Rick Murphy, Ward 2 City
2 Council registered on April 20, 2020. I would
3 like to point out again that with our new
4 registrants we have, in fact prepared an online
5 tutorial and that will be available online by the
6 end of the week so that our candidates can comply
7 with the mandatory training requirements.

8 We had one initiative committee which
9 registered and that was the Vocational, Technical
10 Education, and Graduation Pathway Policy Act of
11 2020, and they registered on April 30, 2020.

12 In our Reports, Analysis, and Audit
13 Division during the month of April, the Audit
14 Division conducted 34 reviews of reports of
15 receipts and expenditures that have been filed in
16 our traditional program. They have also resolved
17 or sent out -- they resolved six and they also
18 issued eight requests for additional information
19 of the results of the desk reviews which were
20 conducted by the division.

21 In terms of our ongoing audits, we
22 have three periodic random audits of candidates

1 in the upcoming 2020 election. The first is the
2 Friends of Robert White. The audit records were
3 received on March 16th. Veda for Ward 7: this
4 audit was initiated on March the 2nd. The
5 Committee to Elect Rogers for Council: this audit
6 was initiated on March 2nd.

7 We also have ongoing periodic random
8 audits of political action committees. With
9 respect to the January 31st filing there are
10 three; Verizon Communications, Inc., Good
11 Government Club PAC, which was initiated on March
12 2nd; the D.C. Libertarian Party which was
13 initiated on March 2nd, and the Firefighters
14 Committee on Political Activity which was
15 initiated on March 2nd.

16 We issued four audit reports during
17 the month of April as well. Three of the audit
18 reports are available at our website for review
19 by the public. The first is the Re-elect Brandon
20 Todd 2020 periodic audit which was issued on
21 April 6th. That was a compliance audit, meaning
22 that the committee complied with all of the

1 requests of the audit branch.

2 The D.C. Legal Defense Fund, and that
3 is a preliminary audit draft report. That was
4 issued on April 27, 2020. That is a draft report
5 and it was issued also within an audit, an
6 investigative audit, that is ongoing. That
7 preliminary draft is not available to the public
8 but the final audit will be.

9 Richard Campbell, Ward 8 City Council
10 does the periodic audit that was issued on April
11 30th. It was a compliance audit, and it is
12 available at our website. The greater Washington
13 Board of Trade PAC periodic audit and that was
14 issued on April 30th. That is also available at
15 our website for review.

16 At this point I would ask the General
17 Counsel, who I believe is on the phone call, to
18 provide the report of the Office of the General
19 Counsel for the Office of Campaign Finance.

20 CHAIR BENNETT: Thank you, Ms.
21 Montgomery.

22 What we're going to do now is we're

1 going to unmute everyone so we can determine
2 which one is Mr. Sanford. Then we will -- if
3 everybody could kind of hold any conversation
4 until we get Mr. Sanford on the line.

5 Go ahead, Mr. Sanford.

6 MR. SANFORD: Good morning, Mr.
7 Chairman --

8 CHAIR BENNETT: Great, thank you.
9 Good morning, Mr. Sanford. We have you, Mr.
10 Sanford.

11 MR. SANFORD: -- and distinguished
12 Board members. I have William Sanford, General
13 Counsel for the Office of Campaign Finance.
14 During the month of April 2020 the Office of --

15 CHAIR BENNETT: I'm sorry. I think --
16 we're good. Go ahead, Mr. Sanford. My
17 apologies. Please go ahead.

18 MR. SANFORD: The Office of the
19 General Council received one referral from the
20 Public Information and Records Management
21 Division and issued one order in a matter in
22 which there was voluntary compliance prior to the

1 receipt of the complaint by the Office of General
2 Counsel.

3 During the month of April 2020 the
4 Office of the General Counsel issued 27 hearing
5 notices which included three first notices and 24
6 second notices.

7 During the month of April 2020 the
8 Office of the General Counsel conducted two
9 hearings, which as the Director has previously
10 referred to, were in the matters regarding
11 planning for Ward 2 and Markus Batchelor for D.C.
12 Both those hearings were continued for completion
13 at a later date and they have not been completed.

14 During the month of April 2020 the
15 Office of General Counsel did not fine, nor were
16 any fines collected. During the month of April
17 2020 the Office of the General Counsel maintained
18 one open investigation. The investigation was
19 the following:

20 The complaint was filed by the
21 Committee to Hold Jack Evans Accountable, Adam
22 Eidinger, Chairman. It was received on the 3rd

1 of February 2020. The respondent in this matter
2 is D.C. Legal Defense Committee for Jack Evans.
3 The allegation is that the committee engaged in
4 unlawful use of a legal defense committee.

5 The matter was referred to the Reports
6 Analysis and Audit Division and, as the Director
7 has indicated, a preliminary draft of that audit
8 has been completed. That draft is not available
9 to the public. However, the final draft will --
10 the final audit report will be made available to
11 the public.

12 During the month of April 2020 there
13 were no requests for interpretive opinions, nor
14 were there any show-cause proceedings conducted.
15 That should conclude my report.

16 CHAIR BENNETT: Thank you, Mr.
17 Sanford.

18 Ms. Montgomery, any other matters?

19 MS. COLLIER-MONTGOMERY: No, that
20 would conclude my matters. I just would like to
21 point out that, with respect to the orders that
22 we have been issuing in the office for the

1 disbursement of funds from the elections fund,
2 that we have been successful with that. We have
3 also been lucky enough that the Office of
4 Financial Resource Management has been extremely
5 accommodating also in terms of getting those
6 payments out.

7 Again, I would just like to express my
8 appreciation to OFREM, as well as the staff in
9 the Fair Elections Program who have been working
10 tirelessly to make sure that our candidates are
11 receiving their payments from the fund. That
12 concludes my report.

13 CHAIR BENNETT: Thank you, Ms.
14 Montgomery.

15 Mr. Gill, are there any questions?

16 MEMBER GILL: No questions. Thank
17 you, Ms. Montgomery, and Bill.

18 CHAIR BENNETT: Ms. Greenfield, any
19 questions?

20 MEMBER GREENFIELD: No questions.
21 Thank you.

22 CHAIR BENNETT: Okay, great.

1 Next item on the agenda is the
2 Executive Director's Report of the Board of
3 Elections, Ms. Alice Miller.

4 MS. MILLER: Good morning. Thank you,
5 Mr. Chairman. Good morning, everyone. This is
6 Alice Miller, Executive Director for the Board.

7 I'm just going to highlight and
8 piggyback on what the Chairman started off with
9 this morning, and that is to report that the
10 staff has been working tirelessly to respond to
11 the mail-in ballot request applications. It has
12 been a real serious operation, and we've been
13 working almost 16/18-hour shifts doing this.

14 As of now we have requests mail
15 ballots of 34,000. We've mailed out 22,000 mail
16 ballots as of Monday. That includes 500 military
17 and overseas ballots that were mailed out on the
18 17th of April, by law 45 days before the
19 election.

20 Voter guides were mailed to all
21 registered voters, one to each registered voter.
22 The voter guide did contain the two request forms

1 for absentee ballots along with a postage prepaid
2 envelope for voters to use.

3 We did an e-mail blast to all voters
4 with whom we have their email information giving
5 them guidance as to how to request a ballot by
6 absentee mail. That went out to 236,000 voters
7 whose email addresses we did have.

8 Our phone bank is operating in full
9 force and we are sending out applications as well
10 as responding to other information or questions
11 that individuals may have regarding the
12 elections. As I said, the staff is currently
13 working two eight-hour shifts with an overlapping
14 day until 7:00/8:00 at night.

15 We will examine the need to bring on
16 a third shift next week but so far we are busy.
17 Based on the workload that we have established,
18 the work is getting done.

19 One other thing is, and this has not
20 happened yet, but we are scheduled to send out
21 post cards to all registered voters beginning May
22 12th or 13th and that will also have the

1 information regarding the date of the vote
2 centers and the date of the deadline to request
3 your mail-in ballot which is May 26th. We have
4 to have received the request by May 26th.

5 As the Chairman indicated in his
6 opening remarks, we have hosted a number of
7 webinars and Zoom meetings at an average of four
8 meetings a week as of April 6th. That includes
9 ANCs, Ward 4 and Ward 5 Dems, members of the
10 council, candidates for election, public
11 community calls, D.C. Library and various civic
12 associations. The meetings are scheduled to
13 continue through the end of May.

14 We do host a public community meeting
15 every Thursday at 10:30. The email for that to
16 sign up is info@votesafedc.com. We also had
17 participated in live on-air interviews and press
18 conferences. That included the Mayor's daily
19 brief update -- daily update to which the
20 Chairman was a part of two of those press
21 conferences.

22 We have a comprehensive social media

1 that began in late February that started with the
2 website. Mid-March D.C. Cable began running ads.
3 We now have 2.9 million digital ads that began to
4 run late last month for the Vote Safe D.C.,
5 request your ballot today. RadioOne and iHeart
6 Radio began last week. TV will begin this week,
7 every station that Comcast supports. Newspaper
8 ads also begin this week.

9 As far as poll worker training, we
10 have 492 poll workers that have been trained for
11 the 20 vote centers. Training ended April 29th.
12 We had to do the last set of training through a
13 virtual remote process as it was necessary with
14 the remote -- the social distancing process in
15 place.

16 Our logic and accuracy testing for the
17 machines has been completed for all the vote
18 centers. We will have 200 machines, 10 at each
19 vote center. All of them have been programmed
20 for the 144 presets to accommodate vote centers
21 citywide.

22 We will also have a ballot on demand

1 in each of the vote centers meaning that
2 individuals who do not wish to vote by the
3 electronic voting machine will be able to have a
4 paper ballot. That will be at all of our vote
5 centers.

6 In the past it has only been available
7 at One Judiciary Square but paper ballots will be
8 available through the ballot on demand at all
9 those centers. Our poll pads will be uploaded
10 once the registration deadline occurs. They are
11 being worked on as we prepare for that now.

12 I want to acknowledge and thank the
13 city for its help in supporting us. They have
14 been helpful with helping us secure masks, hand
15 sanitizer, gloves, as well as laptops and wipes
16 that we'll need for the vote centers. The
17 laptops we needed to assist with the remote
18 working that's going on and they were essential
19 with helping with that.

20 We also have just recently procured a
21 double trailer lavatory rental for our warehouse
22 to accommodate the level of staff and the hours

1 in which the staff members are there working.

2 We will have outreach for the nursing
3 homes and senior resident facilities through our
4 outreach division. With that in mind, we're
5 providing absentee ballot requests to the
6 residents that are being preloaded with their
7 registration information so all they will have to
8 do is return the application for the ballot and
9 we will then be able to mail a ballot to them.

10 I do want to also point out that we
11 also continue to work with all of our federal
12 partners through CISA, the FBI, the CDC. We have
13 regular ongoing meetings with them discussing how
14 to process this election through the most secure
15 and safe manner.

16 We are also working very closely with
17 the Post Office through the Deputy Director, Mr.
18 Ron Stroman, to make sure that all the ballots
19 that are coming through, as well as all election
20 information is getting the attention that it
21 needs. As I said, we are busy. It's nonstop and
22 we will be in this mode through both elections,

1 the June 16th Ward 2 special elections. That's
2 it.

3 CHAIR BENNETT: Okay, great. Are
4 there any questions for Ms. Miller from Board
5 Member Greenfield?

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

8 CHAIR BENNETT: Board Member Gill, I
9 believe you had a question and a comment?

10 MEMBER GILL: Yes. Thanks, Michael.

11 Alice, as people have been getting
12 their ballots in the mail, one of the issues or
13 items that has come up is the ability to write in
14 a candidate in a primary. You and I have had
15 discussions offline so I just want the minutes to
16 reflect that, and so I'll ask a question to you.

17 When it comes to ballot is put
18 together for a primary, the ballot lines are part
19 of the various parties submit to the Board of
20 Elections. Board of Elections doesn't make
21 decisions about how people get on primary --
22 well, I mean, they have to follow within the

1 party lines.

2 When it comes to how that's portrayed,
3 whether an ability to have a write-in candidate
4 or not, it needs to be part of the party plan
5 that's submitted and we just follow the party
6 plan. Is that correct?

7 MS. MILLER: That is correct. We've
8 gotten that question as well. Thank you for
9 putting that on the record. The Republican Party
10 plan that was submitted to the Board provided for
11 no write-in for President or any other party
12 offices (telephonic interference) candidate.
13 That's why there is no write-in line. That was
14 according to the plan that the Republican Party
15 designed and provided to the Board. We do not
16 interfere with what they want.

17 MEMBER GILL: Thank you, Alice.

18 That's all I had, Michael.

19 CHAIR BENNETT: Thank you, Mr. Gill.

20 So far this is actually going pretty
21 well. However, I do add that there are times we
22 have to unmute everybody so I would ask if you

1 can maintain your own mute button as muted unless
2 we are asking you to speak.

3 Also, too, I want to just do a quick
4 check. Is our court reporter able to get all the
5 statements appropriately?

6 COURT REPORTER: Mr. Chairman, this is
7 the court reporter --

8 CHAIR BENNETT: If I can get our court
9 reporter to say yes or no.

10 COURT REPORTER: Mr. Chairman, this is
11 the court reporter. Can you hear me?

12 CHAIR BENNETT: Yes, I can.

13 COURT REPORTER: I think things are
14 going well for me. I am able to capture all the
15 statements.

16 CHAIR BENNETT: Great. Thank you so
17 much.

18 COURT REPORTER: Thank you.

19 CHAIR BENNETT: Can you give me the
20 last four digits of your number? Can you give me
21 the area code and your first three numbers, court
22 reporter?

1 COURT REPORTER: Yes, sir. The number
2 is, area code is 914.

3 CHAIR BENNETT: 914.

4 COURT REPORTER: And the first three
5 digits are 297.

6 CHAIR BENNETT: All right, great.
7 (914) 297. Okay. I'm going to check with you
8 periodically just to make sure that we're going
9 okay. We are about to enter part of the agenda
10 where we need to make sure that the record is
11 very clear.

12 Next is the General Counsel's Report.
13 We are actually going to start off with the
14 Issuance of Petition for Initiative Measure No.
15 81, the Entheogenic Plant and Fungus Policy Act
16 of 2020.

17 Ms. Stroud. I've already kind of
18 given part of your opening but go ahead for the
19 record.

20 MS. STROUD: Hello. Can everyone hear
21 me?

22 CHAIR BENNETT: Yes, we can hear you.

1 MS. STROUD: Okay. So the first item
2 on my agenda is the Issuance of the Petition for
3 Initiative Measure No. 81, the Entheogenic Plant
4 and Fungus Policy Act of 2020. Is the initiative
5 proposer on the line? Is the initiative proposer
6 on the line?

7 MS. LAVASANI: Yes, I'm here.

8 MS. STROUD: Hi. If you could state
9 your name and address for the record.

10 MS. LAVASANI: It is Melissa Lavasani.
11 Address is 901 9th Street NE, Washington, D.C.
12 20002.

13 MS. STROUD: Okay. And is the
14 Registrar of Voters on the line, Karen Brooks?

15 MS. BROOKS: Yes, I'm on the line.

16 MS. STROUD: If you could say your
17 name and address for the record.

18 MS. BROOKS: Karen Brooks, Registrar
19 of Voters. 1015 Half Street, Southeast.

20 MS. STROUD: Okay, thank you. I'm
21 just going to provide some background with
22 respect to where we are in the process. Tuesday,

1 February 28, 2020 the Board formulated the
2 language for the Entheogenic Plant and Fungus
3 Policy Act of 2020 which was approved as a proper
4 subject on Wednesday, February 5, 2020.

5 The formulations were published in the
6 D.C. Register on Friday, February 28, 2020, for a
7 10-day review period during which any voter could
8 challenge the Board's formulation in D.C.
9 Superior Court.

10 The review period ended on Monday,
11 March 9, 2020. No challenges were filed.
12 Accordingly, the Board's formulations were deemed
13 approved. I will now read the formulations for
14 the initiative as they were published in the D.C.
15 Register into the record.

16 Initiative Measure No. 81, short title
17 Entheogenic Plant and Fungus Policy Act of 2020.
18 Summary statement: If enacted, this initiative
19 would make the investigation and arrest of
20 adults for non-commercial planting, cultivating,
21 purchasing, transporting, distributing,
22 possessing, and/or engaging in practices with

1 entheogenic plants and fungi among the
2 Metropolitan Police Department's lowest law
3 enforcement priorities; and codify that the
4 people of the District of Columbia call upon the
5 Attorney General for the District of Columbia and
6 the United States Attorney for the District of
7 Columbia to cease prosecution of residents of the
8 District of Columbia for these activities.

9 Earlier today I emailed the draft
10 petition, or the petition, to you, Ms. Lavasani.
11 Have you had the opportunity to review it?

12 MS. LAVASANI: Thank you for doing
13 that. I was going to spend this time to request
14 that you email it to me and you did it right
15 before this meeting and I really appreciate it.
16 Not only that, I see that the format has changed
17 to fewer petition lines and it's on an 8.5 by 11
18 paper.

19 (Applause.)

20 MS. STROUD: If everyone that is not
21 Ms. Lavasani could mute their phones, that would
22 be greatly appreciated.

1 MS. LAVASANI: Okay. Let me just take
2 a moment to say thank you for working with us.
3 At our last in-person meeting I asked the Board
4 to be flexible and nimble as we had no idea what
5 to expect.

6 As we've been home for about two
7 months now, we've needed to be nimble and
8 flexible to survive through this. I'm very
9 grateful that D.C. Council has addressed our
10 issues in emergency legislation yesterday.

11 The Board of Elections has moved very
12 quickly. It's really a testament to the Board,
13 the leadership of the Board, and the amazing
14 staff at Board of Elections for working
15 tirelessly around the clock.

16 Is there any opportunity to make any
17 changes to that petition you sent this morning?
18 Not any substantive changes but changes to sizing
19 of the font to make things a little bigger or is
20 that the final -- the only petition we'll have?

21 MS. STROUD: I think that we could
22 explore making the font bigger, a little bit

1 bigger. The difficulty is that there is certain
2 information that is statutorily required to
3 appear on the initiative petition so we could
4 try.

5 We were trying to accommodate as many
6 signatures on the signature page and, at the same
7 time, have all the information that is required
8 to appear on the petition. We would have to
9 explore whether or not we could accommodate your
10 request to have the font be larger, and we can
11 certainly do that.

12 MS. LAVASANI: Okay. Our concern was,
13 at the top, there's the summary statement. We're
14 concerned for our older voters that they will not
15 be able to read the small font. I think it's
16 currently at like a seven. That's all we wanted
17 to do is to make some of that font slightly
18 larger.

19 MS. STROUD: Okay. We can talk with
20 you, I guess, offline about ways in which --
21 since you're going to be emailing this and
22 mailing this. Is that correct?

1 MS. LAVASANI: That's correct.

2 MS. STROUD: To the voters. Perhaps
3 a solution might be for any material that you
4 will be including along with the sheet, the
5 information that they would need to see in a
6 larger size could be provided along with the
7 initiative petition.

8 MS. LAVASANI: Okay. Okay. Do you
9 suggest us just adopting this and making
10 adjustments otherwise would --

11 MS. STROUD: I think that would
12 probably be ideal because what we are -- I think
13 that would be -- I'm not sure exactly that we
14 could make this any bigger but certainly, in the
15 information that you provide, you could include
16 information in a larger font that you would
17 include with the mailing and the emailing.

18 MS. LAVASANI: Right. I want to be
19 sensitive to the demands of the Board of
20 Elections right now. I know you guys are -- have
21 your work cut out for you and you're working
22 around the clock. I'm trying to make this as

1 easy as possible for everybody.

2 CHAIR BENNETT: We appreciate that.
3 This is Michael Bennett. Let me just say the
4 font size is not part of our approval. Whatever
5 font size you guys are able to come up with has
6 no impact on our issuance of the petition.

7 MS. LAVASANI: Gotcha. Thank you, Mr.
8 Bennett.

9 CHAIR BENNETT: Okay. Is there
10 anything else?

11 MS. LAVASANI: Adam Eidingger is on the
12 line and we also have some other questions about
13 some of the more technical items.

14 MR. EIDINGER: Yeah, I'm wondering
15 about two things.

16 CHAIR BENNETT: Could people mute
17 their phones? I'm really sorry but it's hard for
18 us to figure out who is speaking.

19 MS. STROUD: Okay. We are going to
20 put everyone on mute. If you need to talk, you
21 need to unmute yourself.

22 Ms. Lavasani, we are going to put

1 everyone on mute with the exception of yourself,
2 and so if Mr. Eidingen --

3 Mr. Eidingen, if you could provide us
4 the number that you're calling from or that
5 you're speaking from.

6 MR. EIDINGER: Yes, (202) 744-2671.

7 MS. STROUD: Could you say that again,
8 please? And could everyone else be on mute?

9 MR. EIDINGER: 202-744-2671.

10 CHAIR BENNETT: Okay, Mr. Eidingen.

11 We're trying to find you but go ahead.

12 MR. EIDINGER: Okay. First of all,
13 thank you for your quick action on this
14 initiative, and facilitate people being able to
15 print at home. One question is, does the
16 traditional 11 by 14 initiative petition still
17 exist? Like can we still use that or we're only
18 going to use this as the only one? This is the
19 question I have of the Board.

20 MS. STROUD: I mean, it would be front
21 and back.

22 MR. EIDINGER: Yeah, the original 11

1 by 14 would be front and back. We had
2 anticipated that's what we were getting today
3 because we didn't anticipate the changes would be
4 so quick, but this is definitely helpful for
5 people who want to print it at home. I think if
6 we can address the font issue, that's one thing.

7 Another question is we have a number
8 of petitioners who are participating to start
9 collecting immediately but they can't get the
10 out-of-state petition affidavit signed. We're
11 curious how that will be handled by the Board.

12 MS. STROUD: So you're saying that you
13 anticipate that you'll be using non-resident
14 circulators?

15 MR. EIDINGER: Yes, we may have a few.
16 They've already asked us how do we do this since
17 there is no office to physically go to. They may
18 also find ourselves in a few weeks able to
19 collect safely. There is a scenario for that.

20 We want to be able to use this for
21 everything from mailing to potentially in person.
22 That's why I was asking about the old petition

1 format and if that's still available or not so we
2 could use either one. Like this is the mail and
3 printout version --

4 MS. STROUD: I mean, all of the
5 petitions that you use should be consistent.
6 Every form should be the same.

7 MR. EIDINGER: Okay. That's fine.

8 MS. STROUD: That's with respect to
9 your question about the 8.5 by 14. But with
10 respect to the non-resident circulators, they can
11 download the forms and complete that and provide
12 the proof of ID that is required and that will be
13 fine. Scan it and send it to us.

14 MR. EIDINGER: Okay. That's
15 excellent. Thank you very much.

16 MS. STROUD: So we are still faced
17 with the question of whether or not you formally
18 adopt this petition as your own.

19 CHAIR BENNETT: So, Ms. Lavasani, my
20 role at this point is to ask you if you adopt the
21 -- formally adopt the petition as your own.

22 MS. LAVASANI: Yes, I formally adopt

1 it as our own.

2 CHAIR BENNETT: Okay. So what I'll do
3 now is I would like to get a motion. If I could
4 get a motion from Mr. Gill to adopt the
5 proposer's acceptance of the Entheogenic Plant
6 and Fungus Policy Act of 2020.

7 Mr. Gill?

8 MEMBER GILL: So, Mr. Chairman, I move
9 that the Board accept the proposed (telephonic
10 interference) petition.

11 CHAIR BENNETT: Great, thank you. Can
12 I get a second from Ms. Greenfield? That's okay,
13 go ahead. Ms. Greenfield?

14 MEMBER GREENFIELD: Yes, I second it.

15 CHAIR BENNETT: Okay. It's been
16 properly moved and seconded. And so, the
17 (telephonic interference) from me. And so, the
18 petition is -- oh, can I have the Register, for
19 the record, read the signature requirement report
20 for the initiative into the record? Ms. Brooks?

21 MS. BROOKS: Yes, I'm here.

22 CHAIR BENNETT: Okay. If you could

1 read the signature requirements into the record?

2 MS. BROOKS: Okay. As you're aware,
3 the petition submitted in support of Initiative
4 Measure Number 81, Entheogenic Plant and Fungus
5 Act of 2020, must contain valid signatures of
6 five percent of voters registered in the District
7 of Columbia provided that this total includes
8 five percent of the registered votes in each of
9 five or more wards in order for this measure to
10 be placed on the ballot.

11 D.C. Official Code Section 1-204.102,
12 the number of registered voters used to complete
13 these requirements is the latest official count
14 of registered voters by the Board of Elections,
15 which was issued 30 or more days prior to
16 submission of the signatures.

17 While the signature requirement cannot
18 yet be determined, I have calculated for the
19 information of the proponent and the public what
20 the requirement would be if the most recent voter
21 registration figures published by the Board were
22 used. I have a chart on the memo, which I will

1 email Mr. Eidinger.

2 CHAIR BENNETT: To Ms. Lavasani, as
3 well.

4 MS. BROOKS: Okay. The proponent is
5 advised to check with the Board on a monthly
6 basis as new -- are issued to get up to date
7 estimates of the signature requirement.

8 In addition, the 180-day period for
9 circulating the petition pursuant to D.C.
10 Official Code Section 1-1001.16(j)(1) expires on
11 Monday, November 2, 2020, at 5:00 p.m.

12 Should the proponent wish to place
13 this measure on the ballot at the November 3,
14 2020 general election, the petition must be
15 submitted by no later than 5:00 p.m. on Monday,
16 July 6, 2020. And that concludes my report.

17 CHAIR BENNETT: Great. Thank you, Ms.
18 Brooks. And are there any questions from the
19 Proposer, Ms. Lavasani? If you can --

20 MS. LAVASANI: No, I think that's it.

21 CHAIR BENNETT: -- unmute. Okay,
22 great. Thank you so much, go forth.

1 MS. LAVASANI: Thank you.

2 CHAIR BENNETT: Next item on the
3 agenda, Ms. Stroud?

4 MS. STROUD: Yes. The next item on my
5 agenda is emergency proposed rulemaking. I have
6 two rulemakings. The first emanates from the
7 Board of Elections and the second from the Office
8 of Campaign Finance.

9 I will talk about the Board of
10 Elections rulemaking and I will defer to Bill
11 Sanford, the General Counsel for the Office of
12 Campaign Finance, to discuss the second
13 rulemaking that emanated from the Office of
14 Campaign Finance.

15 The first rulemaking is a rulemaking
16 to amend Chapters 10 and 11 of Title 3 of the
17 DCMR. Those chapters are the initiative and
18 referendum and recall of elected officials
19 chapters.

20 The purpose of the amendments to
21 Chapters 10 and 11 is to remove the prohibition
22 against registered voters who are eligible to

1 sign a particular initiative, referendum, or
2 recall petition being signatories on petition
3 sheets that they have circulated.

4 Emergency action is necessary in order
5 for these amendments to be in place ahead of the
6 election cycle. Accordingly, we want to adopt
7 these rules on an emergency basis.

8 So, again, there are provisions in the
9 pertinent chapters that prohibit signatories or
10 registered voters who are eligible to sign a
11 particular initiative, referendum, or recall
12 petition from being signatories on petition
13 sheets that they've circulated.

14 These provisions, which are being
15 repealed, do not appear in the chapters
16 concerning nominating petitions.

17 So, that is the first rulemaking. And
18 then, I'll defer to Mr. Sanford to discuss the
19 purpose of the second rulemaking that emanates
20 from the Office of Campaign Finance.

21 (Simultaneous speaking.)

22 MS. STROUD: Everyone, please mute your

1 phones.

2 CHAIR BENNETT: We're hearing somebody
3 talk about their password, so if you could mute
4 your phone, that would be great, or mute your
5 device.

6 (Simultaneous speaking.)

7 MS. STROUD: Mr. Sanford? Mr. Sanford?

8 MR. SANFORD: I'm on the line. Hello?

9 MS. STROUD: Mr. Sanford, could you
10 tell us what number you're calling from?

11 MR. SANFORD: I am on the line, do you
12 hear me?

13 MS. STROUD: I do hear you, but I'm
14 looking for your telephone number, so that I can
15 mute everyone except for you.

16 MR. SANFORD: 240 --

17 (Simultaneous speaking.)

18 MS. STROUD: 240 --

19 MR. SANFORD: -- 593 --

20 MS. STROUD: -- 593 --

21 MR. SANFORD: -- 593-0243.

22 MS. STROUD: Got it.

1 (Simultaneous speaking.)

2 MS. STROUD: Mr. Sanford --

3 MR. SANFORD: Hello?

4 MS. STROUD: -- if you could discuss --
5 yes, thank you. If you could discuss --

6 MR. SANFORD: Sure.

7 MS. STROUD: -- the purpose of the
8 rulemaking?

9 MR. SANFORD: Sure, I will be glad to.
10 This is William Sanford, General Counsel for the
11 Office of Campaign Finance.

12 The proposed and emergency rulemaking
13 will amend Chapters 30, Candidates, Constituent
14 Services, and Statehood Funds, Chapter 38, Legal
15 Defense Committees, Chapter 39, Inaugural
16 Committees, Chapter 40, Transition Committees,
17 Chapter 41, Exploratory Committees, and Chapter
18 42, Fair Elections Program. All are Title 3 of
19 the District of Columbia Municipal Regulations.

20 The amendments will change the
21 requirements for mandatory training for
22 candidates and treasurers affiliated with these

1 committees from in-person to in-person or online.
2 The amendments are designed to reflect our new
3 reality, which are arising out of social
4 distancing and stay-at-home orders.

5 In Chapter 42, which is also changed,
6 there's an additional change because the
7 amendment of Chapter 42 changes the time period
8 within which the Director of the Office of
9 Campaign Finance is required to direct the Office
10 of the Chief Financial Officer to make
11 disbursements for candidates who have achieved
12 certification to receive the first base payment
13 under the Fair Elections Program and candidates
14 who have achieved ballot access under the Fair
15 Elections Program to receive the second base
16 payment and for candidates who are certified to
17 receive matching funds based upon small dollar
18 contributions by residents of the District of
19 Columbia.

20 And that is what the amendments are
21 designed to do. They are designed to achieve
22 consistency with the law that was passed,

1 emergency legislation passed by the D.C. Council
2 under D.C. Act 23-286, which was passed on the
3 10th of April by the Council and signed by the
4 Mayor of the District of Columbia. Hello?

5 CHAIR BENNETT: Thank you, Mr. Sanford.

6 MR. SANFORD: Yes.

7 CHAIR BENNETT: If I can get a motion
8 from Mr. Gill to -- do you have Mr. Gill's
9 number? If I can get a motion from Mr. Gill to
10 approve both the emergency regulatory changes?
11 Mr. Gill?

12 Ms. Greenfield, can I get a motion to
13 approve the regulatory changes? Ms. Greenfield?
14 You may need to unmute yourself.

15 MEMBER GREENFIELD: Yes, I'm unmuted,
16 can you hear me now?

17 CHAIR BENNETT: Yes, I can. Can I get
18 a motion to approve both the emergency
19 regulations?

20 MEMBER GREENFIELD: Yes, I move to
21 approve both of the emergency regulations as
22 presented.

1 CHAIR BENNETT: Okay. Mr. Gill, can I
2 get a second? Mr. Gill, you may be on mute.
3 Since I can't get you, Mr. Gill, I'm going to
4 second --

5 MEMBER GILL: Sorry --

6 CHAIR BENNETT: That's okay.

7 MEMBER GILL: -- Mike. Mike, I
8 apologize, I'm here --

9 CHAIR BENNETT: That's okay.

10 MEMBER GILL: -- and I second the
11 motion.

12 CHAIR BENNETT: Okay. So, it's been
13 properly moved and seconded. And I vote yes as
14 well. And so, the roll call is that we have
15 three yeses for the -- to approve both the
16 emergency regulations. Ms. Stroud, continue.

17 MS. STROUD: Thank you. Okay. The
18 next item on my agenda is litigation status.

19 It is William V. Hunt versus the Board
20 of Elections. This matter, the Board has filed a
21 motion to dismiss the complaint that was filed in
22 this matter, which involved the counting of

1 write-in votes cast in the mayoral contest in the
2 November 6, 2018 general election.

3 The Court granted the Board's motion
4 to dismiss on March 10. Mr. Hunt appealed to the
5 D.C. Court of Appeals on April 22. And we are
6 now awaiting a scheduling order from the Court of
7 Appeals.

8 The second matter is Graham versus the
9 D.C. Board of Elections, which involves the
10 Board's appeal of a permanent injunction entered
11 by the D.C. Superior Court on December 12, 2018.
12 All pleadings in this matter have been filed.

13 Oral argument had been set for April
14 21, but due to the public health emergency, oral
15 arguments have been cancelled or postponed in
16 accordance with an order of the Chief Judge of
17 the D.C. Court of Appeals and the Court will
18 decide this matter without oral argument unless
19 the Court deems it necessary.

20 The next matters are Phillip V.
21 Hammond and Robin Marlin versus the D.C. Board of
22 Elections.

1 These matters, which were filed in the
2 D.C. Court of Appeals and consolidated, are
3 appeals of Board Orders 19-32 and 19-33, both of
4 which upheld the resolution of ANC 7B that found
5 no vacancies in Single Member Districts 7B04 and
6 7B05.

7 The Petitioners filed their briefs in
8 this matter on December 16, 2019 and their
9 appendix on March 4. The Board filed its
10 response on April 5, via electronic case filing,
11 and we expect the Court to decide this case on
12 the merits on the papers.

13 The next two matters are consolidated.
14 They are Fred V. Hill versus the D.C. Board of
15 Elections. These matters, which involve the
16 appeals from two Board orders, both of which
17 denied Mr. Hill ballot access pursuant to two
18 successful nominating petition challenges filed
19 by Absalom Jordan and Sandra Seegars.

20 The two petitions were filed in the
21 D.C. Court of Appeals on April 9. The Board
22 filed a motion to expedite and consolidate the

1 two cases on April 10. And it additionally filed
2 a motion for a summary affirmance of the Board's
3 orders.

4 All motions were granted on April 10.
5 Mr. Hill filed a motion for reconsideration on
6 April 12 and that motion was denied on April 13.

7 The final case is Robert Brannum
8 versus the D.C. Board of Elections. This matter
9 was an appeal from the Board listing Bernie
10 Sanders as a candidate in the Democratic
11 Presidential Preference Primary on the grounds
12 that he was alleged by the Plaintiff not to be a
13 Democrat.

14 This matter was filed in the D.C.
15 Court of Appeals on April 1. The Board filed a
16 motion to dismiss on April 8 and that motion was
17 granted on April 10.

18 And that concludes my litigation
19 status.

20 And the next and final item on my
21 agenda is a proper subject hearing concerning the
22 proposed initiative measure, the United States

1 Adjustment and Recovery Act for the District of
2 Columbia.

3 CHAIR BENNETT: All right. Let me just
4 kind of -- this is Michael Bennett. Let me just
5 lay out a couple things and let people know how
6 we're going to do this.

7 So, we're going to do our best to
8 identify persons to speak. The proponents and
9 the opposition will -- I think they've submitted
10 a list of persons to speak. But just from a
11 process standpoint, what we're going to do is
12 we're going to have this hearing on this, this
13 proper subject matter hearing.

14 I am then going to ask for a motion
15 from another Board Member to go into executive
16 session after we conclude public matters. And
17 once we conclude public matters, assuming I get
18 the motion and it's approved, we go into
19 executive session.

20 We'll go into executive session on the
21 proper subject hearing, with regard to the United
22 States Adjustment and Recovery Act for the

1 District of Columbia.

2 And then, we will set a time for us to
3 come back, probably about 30 minutes, to give a
4 verbal response or give a verbal decision on the
5 matter. If indeed that is not possible, we will
6 come back and give a notice that we will, when we
7 will provide a decision on that matter.

8 So, with that, we're going to move
9 forward. And this is going to be a little messy
10 and I ask everyone to put their phones on mute,
11 if indeed they are not speaking.

12 This is -- it is hard for us to figure
13 out who here needs to be talking without us
14 asking for everyone's number. If you're able to
15 put your name into the system, it actually shows
16 us what is happening.

17 So, let me start off, I think the
18 General Counsel has already given us some
19 background on, or maybe should give us some
20 background on the initiative.

21 MS. STROUD: Okay. Thank you, Mr.
22 Chair.

1 CHAIR BENNETT: Okay.

2 MS. STROUD: Okay. So, the proponents
3 of the United States Adjustment and Recovery Act
4 for the District of Columbia filed the measure on
5 -- let's see, one moment please, bear with me.
6 Okay. So, I believe the initiative was filed on
7 February 24, 2020.

8 Just by way of discussion what the
9 initiative is, it seeks to enforce repayment of
10 unpaid wages or denied benefits for the residents
11 of D.C. who are living descendants of the
12 transatlantic slave trade in the United States of
13 America.

14 It precludes payments for injuries by
15 D.C. residents or government, but defines the
16 group of actors who are ostensibly responsible
17 for the payment of injuries as payers.

18 This group includes religious
19 organizations, international countries,
20 agriculture, textile manufacturing, retail
21 building material industries, financial, academic
22 institutions, utility companies, and states who

1 participated or benefitted from enslaving Afro-
2 Descendant people in the United States of
3 America.

4 So, that was the initiative that was
5 submitted. And I just want to give some
6 background as to what the Board looks at when it
7 is determining whether or not a proposed
8 initiative measure presents a proper subject for
9 initiative.

10 Pursuant to D.C. Official Code Section
11 1-1001.16, the Board, upon receipt of a proposed
12 initiative measure, must refuse to accept the
13 measure if it determines that the measure
14 conflicts with or seeks to amend Title 4 of the
15 D.C. Home Rule Act, otherwise known as the
16 District Charter, if it conflicts with the U.S.
17 Constitution, if the measure has not been
18 properly filed, if the verified statement of
19 contribution, which consist of the measure
20 committee's statement of organization and report
21 of receipts and expenditures, was not timely
22 filed, the measure would authorize discrimination

1 in violation of the D.C. Human Rights Act, the
2 measure would negate or limit a budgetary act of
3 the D.C. Council, or the measure would
4 impermissibly appropriate funds under applicable
5 D.C. Court of Appeals rulings.

6 And so, while there might be
7 discussion of whether or not the initiative
8 measure is a good idea or a bad idea, the Board
9 does not consider the merits of the measure, but
10 must only consider whether or not the measure
11 complies with proper subject requirements and
12 must refuse to accept the initiative measure if
13 it determines that the initiative runs afoul of
14 any of the criteria that I just outlined.

15 CHAIR BENNETT: Great. All right. Ms.
16 Stroud, has the proponent met all the statutory
17 clerical requirements with respect to its
18 filing?

19 MS. STROUD: Yes, it has.

20 CHAIR BENNETT: Great, okay. What
21 we're going to do now is we're going to ask if
22 there are any opponents -- we're going to unmute

1 everybody -- if we have any opponents of the
2 measure that would like to testify at this time,
3 in this hearing? Did we have anybody sign up to
4 testify as an opponent?

5 MS. STROUD: We had individuals who
6 signed up to indicate that they wanted to speak.
7 And I can go through the list of individuals who
8 have indicated that they want to speak and
9 identify whether or not they wish to speak either
10 in opposition to or in support of the measure.
11 And we can also ascertain whether or not the
12 initiative proposer is on the line as well.

13 So, the first individual who
14 submitted, who indicated that they wish to speak
15 was James Shabazz. Mr. James Shabazz, are you on
16 the line?

17 MR. SHABAZZ: Yes, I am.

18 MS. STROUD: And will you be speaking
19 for or against?

20 MR. SHABAZZ: I'm speaking in support
21 of the United States Recovery Act for the
22 District of Columbia.

1 MS. STROUD: Okay, thank you. Mr.
2 Jordan, Mr. William H. Jordan, are you on the
3 line?

4 MR. JORDAN: Yes, I am. I'll be --

5 MS. STROUD: And will you be speaking
6 --

7 MR. JORDAN: -- speaking in support.

8 MS. STROUD: Okay. Dr. Roussan
9 Etienne, Junior?

10 DR. ETIENNE: I'll be speaking for.

11 MS. STROUD: Okay. Mr. John Cheeks,
12 who was the proposer of the initiative, are you
13 on the line? Mr. Cheeks, are you on the line?

14 MR. CHEEKS: Yes, I am. This is John
15 Cheeks, the proposer.

16 MS. STROUD: Okay, thank you. Ms.
17 Gladale Reese, are you on the line? Ms. Gladale
18 Reese? Okay. Ms. Francelle Neal?

19 MS. NEAL: I'm on the line and I will
20 be speaking in favor.

21 MS. STROUD: Okay. Ms. Marie C.
22 Williams?

1 MS. NEAL: That is my grandmother, she
2 will not be able to speak, but she is in favor.

3 MS. STROUD: Okay, thank you. Mr.
4 Eddie Lee Neal? Mr. Neal?

5 MS. NEAL: That is actually my other
6 grandmother, both District residents, and I'm not
7 sure, she's able to speak, but she may be having
8 difficulties, she's 93 years old.

9 MS. STROUD: Okay.

10 MS. NEAL: So, we would pass on her for
11 now.

12 MS. STROUD: Thank you. Mr. Sampson
13 Jordan? Mr. Jordan, Sampson Jordan? Okay. Mr.
14 Mark A. Johnson?

15 MR. JOHNSON: Yes, I'm in favor.

16 MS. STROUD: Okay. Minister Frederick
17 Norman?

18 MR. NORMAN: Yes, I'm on the line.

19 MS. STROUD: And are you speaking for
20 or against?

21 MR. NORMAN: I'm speaking for.

22 MS. STROUD: Okay. Reverend Cynthia

1 Ashley?

2 REV. ASHLEY: Yes, I am in support of
3 this bill. And I'm speaking in favor and
4 support.

5 MS. STROUD: Okay, thank you. So, is
6 there anyone on the line who would like to speak
7 in opposition of the measure? In opposition to
8 the measure?

9 CHAIR BENNETT: Okay. So, hearing
10 none, we're going to start off with Mr. Cheeks.
11 And we're going to give you three minutes.

12 MS. HALL: Well, my name is --

13 CHAIR BENNETT: Mr. Cheeks?

14 MS. HALL: -- Raynelle Hall and I was
15 speaking for, but I wasn't on the list.

16 CHAIR BENNETT: Say again?

17 MS. HALL: My name is Raynelle Hall,
18 I'm calling from Potomac Gardens in Washington,
19 D.C., and I'm speaking for the act.

20 MS. STROUD: Okay. So, did you submit
21 a request to be included in the list of speakers
22 before last Friday? Or are you just --

1 MS. HALL: No, unfortunately, I missed
2 the deadline, unfortunately. I was just letting
3 you know that I was in on the line here today.

4 MS. STROUD: Okay, thank you.

5 MS. HALL: You're welcome, thank you.

6 CHAIR BENNETT: So, what we will do is
7 (telephonic interference) the people that signed
8 up, if you did not sign up, we will call upon
9 you. Okay, Mr. Cheeks?

10 MR. YOUNG: Also -- hold on, hold on.
11 Also, my name is Virgil Young, native
12 Washingtonian, D.C. resident, military veteran, I
13 didn't sign up, but I support the D.C. Recovery
14 Act, Virgil Young.

15 CHAIR BENNETT: Thank you, Mr. Young.

16 (Simultaneous speaking.)

17 MR. BLACK: I signed up last week,
18 before the deadline.

19 CHAIR BENNETT: I'm sorry, say your
20 name again?

21 MR. BLACK: Reginald Black.

22 CHAIR BENNETT: Reginald Black, thank

1 you, sir.

2 MS. STROUD: Okay.

3 MR. SINDRAM: And, Mr. Chair, disabled
4 veteran, I attempted to sign up, was not able to,
5 but I support the measure. Hello, Mr. Cheeks,
6 how are you?

7 CHAIR BENNETT: Okay. Thank you, Mr.
8 Sindram. Let's, if there's no one else, let's
9 get started with Mr. Cheeks. Mr. Cheeks, do we
10 have your number, so we can try to mute everybody
11 else?

12 MR. CHEEKS: Yes, you want the last
13 four digits or you need the complete number?

14 CHAIR BENNETT: Just the first, the
15 area code and the first three.

16 MR. CHEEKS: Area code 202-892.

17 (Simultaneous speaking.)

18 CHAIR BENNETT: Say again, Mr. Cheeks?

19 MR. CHEEKS: Area code is 202 --

20 CHAIR BENNETT: Yes.

21 MR. CHEEKS: -- and 892.

22 CHAIR BENNETT: 892, okay. All right,

1 I think we got you. Go ahead.

2 MR. CHEEKS: Hi, I'm John (telephonic
3 interference) which is Angola --

4 (Simultaneous speaking.)

5 MR. CHEEKS: -- Botswana --

6 MS. STROUD: Go ahead, Mr. Cheeks.

7 MR. CHEEKS: -- Sub-Saharan South
8 Africa. And I also have Native lineage here in
9 the country of the United States of America with
10 the Navajo and the Apache Tribes. As well as
11 some European blood in me, which can be
12 identified as British, Scandinavian, and Irish.

13 I do not deny any of my ancestry, but
14 we all must look at this important initiative act
15 for the people of the District of Columbia who
16 have been suffering for over 400 years.

17 Whether they're from the District of
18 Columbia proper or from the Deep South of the
19 United States of America, such as Texas,
20 Louisiana, Alabama, Mississippi, Georgia,
21 Florida, New York, as far north as Maine, as far
22 west as Iowa.

1 We all share one thing in common, if
2 we are black Americans in this country. We are
3 descendants of enslaved Americans who have never
4 been given the right to participate freely, to
5 gain wealth that was denied and that we were
6 restricted from receiving.

7 We also have other issues that still
8 plague our community, such as public fixture
9 reminders, statues that are currently standing
10 tall in front of our court system, such as the
11 John Marshall statue or the Albert Pike statue.

12 Both of those represent two things to
13 black Americans, terror, enslavement, treason
14 against this country, and also it's a friendly
15 reminder that we're not getting our just due date
16 in court.

17 And of course, I am a victim of that,
18 but I will, in the interest of time, I'll move on
19 to my speech. Such as -- this proposal was
20 drafted as a vehicle to cure the injury that the
21 people and the government of the District of
22 Columbia have been sliding under the rug forever.

1 We have to bring forth the idea of a
2 non-taxpayer solution and also a non-District
3 Government solution, where D.C. does not have to
4 dip into its pockets to enforce this measure. It
5 doesn't go into racial injuries of people, it
6 doesn't point out people.

7 It gives everyone a chance to come
8 forth and have some sort of dignity in living
9 here in the District as their ancestors built
10 beautiful buildings that we admire so often, such
11 as the Capitol, the White House, the Bureau of
12 Engraving and Printing, the streets, our water
13 system, the sidewalks that we walk on, the actual
14 roads that were cut by our forefathers with mules
15 and ox to provide Pennsylvania Avenue a nice
16 gateway, the landscaping, and all of the, I
17 should say, standard beautiful markings that we
18 all enjoy here.

19 But we have over 60 percent of our
20 population here in the District cannot enjoy
21 wealth, home ownership, education, judicial
22 consideration and protection. We have public

1 marker reminders that are constantly flowing.

2 And also, we have the disparities of lack of home
3 ownership of a lot of our people here.

4 This bill will lift all who are
5 eligible through ancestry heritage, who are still
6 injured by the ongoing effects of the past.

7 And for the record, the D.C. Recovery
8 Act does not take money from the taxpayers. This
9 freestanding bill gives back to the District of
10 Columbia through removal of certain taxpayer
11 programs that have constantly taken from people
12 on all levels, all colors.

13 We must have a better conscience with
14 this proposed initiative act to allow our people
15 to vote on this. We cannot move forward in life,
16 this country will not be great, until the people,
17 the children of the Middle Passage and the
18 transatlantic slave trade have proper
19 compensation and can live with dignity without
20 fear or without wondering if they are eligible to
21 stay in this city.

22 And I thank you for my three minutes.

1 Any questions, I'll be on the line on hold.

2 MS. STROUD: Okay. Thank you so much,
3 Mr. Cheeks. Next, we will hear from Mr. James
4 Shabazz.

5 MR. SHABAZZ: Speaking. Can you hear
6 me? Hello?

7 MS. STROUD: Yes, we can hear you. You
8 have three minutes.

9 MR. SHABAZZ: All right. I am James
10 Shabazz, representing OVEC, Organized Vendors for
11 Economic Cooperation, in support of the U.S.
12 Recovery Act for the District of Columbia.

13 Slavery, reconstruction, the 13th,
14 14th, and 15th Amendments of the U.S.
15 Constitution, 1860 Civil Rights Act, Dred Scott
16 Decision, Plessy versus Ferguson, the Great
17 Compromise of 1870, Jim Crow laws, penal systems,
18 Civil Rights Act of 1964, the current D.C.
19 Comprehensive Plan, and the current D.C. City
20 Council, actions by the D.C. City Council to
21 approve a so-called racial equity bill have not
22 and will never create the opportunity or

1 environment for the masses of D.C. black people
2 to stop gentrification and reverse its effects,
3 heal mentally, spiritually, and physically from
4 the trauma and ravages of slavery, achieve an
5 education of empowerment, own property,
6 businesses, and the creation of a black economic
7 development renaissance in Washington, D.C., and
8 creating a tradition of generational transfer of
9 wealth for our posterity.

10 The D.C. Recovery Act is a tool that
11 heals and repairs our people in these areas. It
12 achieves compensation and recovery from D.C.-area
13 corporations that owned and contracted black
14 slave labor and engaged in Jim Crow practices
15 during the entirety of the post-slavery era.

16 D.C. utility companies, Protestant and
17 Catholic churches, and area universities are just
18 a few of the corporations that the D.C. Recovery
19 Act seeks financial recovery from with regard to
20 the psychic trauma of slavery and the educational
21 and economic deprivations resulting therefrom.

22 Since the D.C. Recovery Act does not

1 require the payment of reparations from the
2 coffers of D.C. citizen, consumer, voter,
3 taxpayers, we appeal to the Board of Elections
4 and Ethics and the Mayor Bowser and the D.C. City
5 Council and D.C. Attorney General Karl Racine to
6 approve the D.C. Recovery Act as the proper
7 subject of a voter's initiative or referendum on
8 the 2020 D.C. elections ballot. Thank you.

9 MS. STROUD: Thank you, Mr. Shabazz.
10 We will next hear from Mr. William Jordan.

11 MR. JORDAN: Yes. My name is William
12 Jordan, a 35-plus-year resident of Washington,
13 D.C. I am testifying in favor of the United
14 States Adjustment and Recovery Act for the
15 District of Columbia.

16 This measure seeks to provide benefits
17 and restitution to District of Columbia residents
18 whose ancestors were victim of the transatlantic
19 and domestic slave trade, the system of slavery,
20 and related systems between 1619 and 1870,
21 through today.

22 The ingenuity of this measure is that

1 it seeks to make restitution without direct
2 taxpayer payments, but from the institutions and
3 international countries which participated and
4 benefitted from our system of slavery.

5 On April 23 of this year, D.C. Mayor
6 Bowser made the following declaration in response
7 to racial inequities and disparities in the D.C.
8 exposed by the current COVID-19 epidemic.

9 Quote, disparities that have not just
10 appeared during this pandemic, not last year, not
11 the year before that, but decades, and indeed,
12 centuries. So, as we think about reopening, we
13 must also see this as an opportunity, not just to
14 go back to the way things were before, but to do
15 better than before.

16 So, we are going to have to do better
17 with limited resources, but we have a once in a
18 generation opportunity to reopen our city in a
19 way that builds a more equitable D.C. and we
20 should not let this opportunity pass us by, end
21 quote.

22 Echoing and affirming Mayor Bowser's

1 declaration, recent studies and reports released
2 by the D.C. Government state the following.

3 The Housing Equity Report, quote, the
4 current distribution of affordable housing in
5 D.C. reflects a legacy of racial discriminatory
6 and exclusionary policies enacted in the past
7 century, which cannot be corrected overnight. In
8 fact, it will take focus and sustained effort
9 over the next generation to address.

10 The whole city has a role in providing
11 affordable housing and access to opportunity to
12 address this legacy, particularly along racial
13 and income lines, close quote.

14 The Comprehensive Plan 2019, we must
15 recognize that managing growth and change
16 includes addressing historic structural
17 systematic racial inequities and
18 disenfranchisement of many District residents,
19 close quote.

20 Health Equity Report, quote,
21 understand and account for the historic forces
22 that have left a legacy of racism and

1 segregation, including --

2 MS. STROUD: Thank you, Mr. Jordan,
3 your time is up. Thank you. We will move on to
4 the next speaker, Mr. Reginald Black. Thank you.

5 MR. BLACK: Good morning, Chair,
6 Members of the Board of Elections. My name is
7 Reginald Black, I am a native Washingtonian, a
8 consumer representative appointed to the
9 Interagency Council on Homelessness, and the
10 owner and CEO of Rahlowtiversity.

11 Rahlowtiversity is a corporation like no
12 other. We are a for-profit corporation that is
13 strengthening and empowering the community. Our
14 focus areas include research, attire, housing,
15 laws, operations, and wellness. To that end, we
16 offer direct services in community organizing and
17 retail to meet our goals.

18 Rahlowtiversity was born out of a desire
19 to specifically address homelessness in the
20 District of Columbia. To date, we have a steady
21 need among the homeless population.

22 In the District of Columbia, the

1 African American population is 46 percent of the
2 city overall population, while 86 percent of the
3 homeless community are African American. We
4 believe this is a result of structural racism and
5 lack of accountability placed on the many
6 institutions that have caused us harm and have
7 allowed those efforts to continue.

8 As a black-owned corporation, any
9 solution that will help the majority of this
10 population, which are black people, is essential.
11 We are here today to give our full support for
12 the United States Adjustment and Recovery Act of
13 the District of Columbia.

14 We have seen too many of our homeless
15 brothers and sisters fall through the cracks. At
16 the end of the fourth quarter of 2018, 3,367
17 people had not found a viable resource to
18 stabilize them in housing.

19 Since 2014, Rahlowtocity has
20 participated in six National Homeless Persons
21 Memorial Days, which has produced an average of
22 41 plus 248 deaths of black homeless Americans.

1 Point in time data shows that homelessness does
2 not consider age, most of them from under 18 to
3 over 62 years of age.

4 We believe the Adjustment and Recovery
5 Act is a great step for our community to address
6 the historical injuries that have been inflicted
7 on the black communities, which one of those
8 results is homelessness and criminalization. We
9 were slaves and we were essentially criminalized
10 if we ran away, which meant we had nothing.

11 Continued institutionalization of the
12 criminalization of black people in this country
13 has created economic disparities and
14 discrimination in several areas, including
15 employment and housing.

16 The Adjustment and Recovery Act will
17 help the homeless population who continue to age
18 without proper support.

19 Under provision Title 2 Section 7,
20 federal restitution is an absolutely critical
21 part of this initiative that will help provide
22 the income needed to begin the journey into

1 ownership.

2 My brothers and sisters hold degrees,
3 have paid taxes, and served in the military.
4 Just a note, in 2019, 297 in the homeless
5 community identified as Armed Services veterans.

6 Benefit Category 7 allows users of 1
7 and 2 to receive business aid. Benefit Category
8 8 supports community businesses, including
9 consultants, legal practice, medical and dental
10 clinics, supermarkets, et cetera. Category 9 --

11 MS. STROUD: Thank you, Mr. Black.
12 Your time is up. Thank you so much. Your
13 statements have been provided for the record.
14 We'll next hear from Dr. Etienne, Junior.

15 DR. ETIENNE: I first would like to
16 give all the glory and honor to my lord and
17 savior, Jesus Christ of Nazareth. Nazareth, a
18 black providence north of Israel.

19 Schools were established where blacks
20 and the Nazareth program was established for
21 colored youth about recovery, about who they
22 were, whose they were, and who their fathers

1 were.

2 Also, I'd like to share for the second
3 time, I want to speak to all the people out there
4 that were affected by the COVID, I hope you are
5 doing well in the COVID season. But I'm going to
6 go, I have three minutes (telephonic
7 interference) enough is (telephonic
8 interference).

9 I'm pleased to tell you, the curse of
10 the African American ancestors during the
11 transatlantic slave trade is over. One hundred
12 ninety injuries and enslavement practices 1619 to
13 2019, for over 400 years, is now over. Slavery
14 has always been around, longer than that, but
15 that's (telephonic interference).

16 John and I have encouraged the Mayor
17 of D.C. to speak up and speak out on the Recovery
18 Act. I will never forget the time I met with
19 John in the southwest parking lot of Safeway,
20 where he sat with me and he said, we cannot do
21 this without our African brothers and sisters.

22 And Karl Racine, this is your season,

1 my African-Haitian brother. It is time for the
2 people to be heard and the spirit to come. We
3 must all come together and answer the call, with
4 this agreement -- all of us, regardless of the
5 changing climate, the world, and the harsh season
6 that we in right now.

7 This COVID-19 season will not stop our
8 recovery. And the time is now, Washington, D.C.,
9 right here, the nation's capital, to set the
10 example worldwide. America's ready for recovery.

11 John and I have worked hard and long
12 to present the D.C. Adjustment and Recovery Act
13 for 2000 A to Z settlement plan and writing with
14 answers and solutions and a payment plan to
15 provide the African American community with lower
16 tax, to provide the community lower taxes for
17 hardworking voting citizens of the United States.

18 D.C. citizens, I'm asking you to join
19 and participate with us in the D.C. Government
20 making a key adjustment in American history that
21 will revive, repair, and restore the injuries of
22 lost wages of our people.

1 Let's free the heart of every living
2 descendant for the accomplishments of our
3 ancestors made for this great nation. Would its
4 citizens take the next step with us.

5 Reach out to three other people and
6 volunteer to help us get signatures so we can get
7 D.C. Adjustment and Recovery Initiative on the
8 2020 presidential election ballot in October.

9 I'd like you to also go on our
10 website, sign the petition, get the DNA test,
11 fill out our --

12 MS. STROUD: Thank you, Dr. Etienne --

13 DR. ETIENNE: -- 1619 form --

14 MS. STROUD: -- your time is up, your
15 comments have been submitted for the record.
16 Thank you so much. We will next hear from Ms.
17 Francelle Neal. Ms. Neal?

18 MS. NEAL: Yes, present. Can you hear
19 me?

20 MS. STROUD: Yes, we can hear you,
21 thank you.

22 MS. NEAL: Thank you, Mr. Chairman and

1 fellow Board Members, for this opportunity. I am
2 a native Washingtonian. I'm also a member of the
3 One Million Conscious and Conscientious Black
4 Voters and the National African American
5 Association.

6 I am in support of this bill and I --
7 this legislation. And I believe that the
8 legislation addressing the injuries of the North
9 American descendants of slavery is timely.

10 As we all suffer during the COVID-19
11 pandemic, we are also witnessing in real-time the
12 disparity and further sufferage of the African
13 American community, particularly our elders.

14 When we lose our elderly, we lose our
15 history. Most of our history is obtained through
16 storytelling. Most of our history is actually
17 broken. That's why many suffer from lost
18 stories, lost history, and loss of identity.

19 I personally am blessed to have not
20 one, but two grandmothers alive, both in their
21 90s, living in the District of Columbia for over
22 70 years. It would be a joyous occasion for them

1 to live through this moment and see the approval
2 of the United States Adjustment and Recovery Act.

3 Unfortunately, they were on the list,
4 one is ill, one hung on for one hour and she let
5 go, I'm not sure if she'll come back, but in
6 their spirit, they're here with me.

7 The District of Columbia was
8 unfortunately once nicknamed the Nation's Slave
9 Capital. Slaves were actually sold on the U.S.
10 Capitol steps.

11 I believe that this legislation is not
12 only fair and valuable, but the legislation will
13 promote healing and unity amongst District of
14 Columbia residents versus discord, particularly
15 because the bill promotes compensation through
16 benefits and non-tax-burden compensation and non-
17 appropriated D.C. funds.

18 Now that we know more, I believe we
19 should do more and avoid the downplaying of
20 history and to actually promote the up-play of
21 history and stand on the truth by advancing the
22 United States Adjustment and Recovery Act.

1 Lastly, I would like to see the
2 District of Columbia to be first to get out in
3 front and to address the injuries of the North
4 American descendants of slaves, an issue that's
5 also painful to discuss and painful to face, but
6 I believe that this Board and the District of
7 Columbia residents are willing and ready to be on
8 the right side of history. So, I ask the Board,
9 Mr. --

10 MS. STROUD: Thank you.

11 MS. NEAL: -- Chairman, to respectfully
12 approve. Thank you for your time.

13 MS. STROUD: Thank you, Ms. Neal. We
14 will next hear from Mr. Mark Johnson.

15 MR. JOHNSON: Yes. Good morning, DC
16 Board of Elections members. Thank you for your
17 time and attention on this call. My name is Mark
18 Anthony Johnson, Sr., born in Washington, DC
19 January 1963, seven months before Dr. Martin
20 Luther King marched on Washington for jobs and
21 freedom, August 1963, in which he called for
22 civil and economic rights and an end to racism in

1 the United States with his public speech, I Have
2 a Dream, amongst over 250,000 civil rights
3 supporters from the steps of the Lincoln Memorial
4 in Washington, DC.

5 The speech was a defining moment of
6 the Civil Rights Movement and among the most
7 iconic speeches in American history. Two years
8 later, our family located to Prince George's
9 County, Maryland in 1965, and I have lived here
10 since then. I am currently the chairperson for
11 the United States Adjustment and Recovery Act in
12 Prince George's County, Maryland Division, and I
13 wish to continue fighting for equal rights in the
14 United States, starting in our nation's capital.

15 This has been an issue for many women,
16 negroes, Blacks, and other ethnicities in our
17 nation. I hope my voice adds value so the
18 District of Columbia will consider whether our
19 proposed measure of this freestanding as a proper
20 subject matter for initiatives at this Board
21 meeting.

22 Our national consortium understands

1 that the Board must reject the proposed measure
2 if it's determined any of the seven bullets
3 defined on page one is valid. We have been
4 fighting many years for many people to witness
5 equal rights for all humans through equal rights
6 amendments.

7 I just learned that 37 out of 50
8 states have ratified the Equal Rights Amendment
9 this year. On February 13, 2020, the U.S. House
10 of Representatives voted 232 to 182 to pass House
11 Judiciary Resolution 79 for the joint resolutions
12 to remove the original time limit assigned to
13 Equal Rights Amendment.

14 Why do I see Equal Rights Amendment to
15 the U.S. Constitution necessary? Because the
16 Constitution has never been interpreted guarantee
17 rights of women as a class and the rights of all
18 men as a class and the rights of White and Black
19 men as a class to be equal. This freestanding
20 bill will start freedom for any occurring
21 disparity.

22 Many DC residents know of my grandpa,

1 Parson Dickies, who has said goodbye to DC
2 neighbors after 30-plus years. We all learned
3 how to eat and enjoy fish, and now Horace's
4 grandson, me, and team wants to be welcomed in
5 2020 to teach people how to fish through the
6 freestanding bill naturally.

7 Will you welcome me an, as honorable
8 veteran of our U.S. armed forces and us in favor
9 of this freestanding bill? Thank you very much
10 for having me to speak.

11 MS. STROUD: Thank you, Mr. Johnson.
12 We will next hear from Minister Norman.

13 MR. NORMAN: Yes, good morning, each
14 of the Board. I want to first say thanks to God,
15 who causes this day, it is all possible. I want
16 to say thank you, D.C. Board, for hearing this.
17 And I want to say thank you to Dr. Cheeks and
18 Doctor -- Dr. John Cheeks and Dr. Roussan
19 Etienne, who have labored, labored so hard to
20 bring this forth.

21 And I want to speak this morning from
22 two platforms. You know, I speak, you know, from

1 the platform of being a veteran, a proud wearer
2 of the uniform of the United States Marine and
3 today present as a minister.

4 And you know, I'm from Deep South,
5 from the great state of Georgia. And you know, I
6 grew up and I noticed we didn't experience so
7 much of the overt racism, you know, that, you
8 know, that a lot of people did, but it was there.

9 Then at 17 years of age, I was proud
10 to raise my right hand, take the oath and become
11 a Marine to defend the values of America. But
12 what really, you know, caused my eyes to open was
13 I noticed the outwardly and the overt racism in
14 the United States military. And you know, and it
15 affected me in a way that it produced a anger on
16 the inside of me.

17 But and it only -- and it was only
18 through my, you know, meeting or coming to a
19 place with God that was able to deal with that
20 anger. But I've often said I speak to you now
21 from a minister's perspective -- and I've often
22 said that America's biggest problem is not skin,

1 but it's the sin.

2 It's sin, and that sin is the
3 injustice that is has perpetuated against this
4 Black people. The oppressions, the burdens, the
5 inequalities and its refusal to acknowledge and
6 make whole the descendants of our ancestors who
7 labored, toiled to build a nation that others
8 have enjoyed the fruits of while we have had to
9 stand by and watch.

10 We have and continue to witness
11 America open her arms to immigrants from other
12 lands who come enjoy what we labored to build,
13 compensate other races financially that have
14 suffered injustices and inequities. We're not
15 asking for anything that's not owed. We're
16 making a demand for what America knows that it
17 rightfully owes.

18 If America is ever to reach her
19 fullest potential, it must make amends with her
20 past. In the eyes of God, who watches it, it is
21 not only the right thing to do, it is the
22 righteous thing to do. God fights on behalf of

1 the oppressed and those who have suffered
2 injustice. Now is the time.

3 You know, as Dr. Etienne said, this is
4 time, you know, for America to truly stand up and
5 become all that she has professed herself to be
6 to the communities of the world.

7 So this is a -- this bill that is
8 being put forth, this is that is being presented
9 right now, it is God saying America, will you be
10 true to yourself? Will you be true and stand up
11 and honor those who have built this plan, this
12 country that in so many others have the
13 privileges and --

14 MS. STROUD: Thank you, Minister
15 Norman, your three minutes are up and we -- I
16 appreciate your comments and they will be
17 included in the record for this meeting.

18 We will next hear from Reverend
19 Ashley.

20 REV. ASHLEY: Hello, everyone. I
21 greet the D.C. Board, a greeting from the state
22 of New York, the Empire State. I hope you can

1 hear me clearly because again, my throat is a
2 little groggy. Can you hear me, I only have
3 three minutes. Can I be heard?

4 MS. STROUD: Yes, we can hear you, we
5 can hear you. Thank you.

6 REV. ASHLEY: Okay, thank you so much
7 for this time. Again, I greet all of the Board,
8 Mr. John Cheeks, and Dr. Roussan Etienne for
9 their efforts. I am Reverend Dr. Cynthia Ashley,
10 and I am the Chair, Chairwoman of the U.S.
11 Adjustment and Recovery Act of New York State.

12 I am in full support for the
13 Adjustment and Recovery Act for the District of
14 Columbia. I live in Lower Hudson Valley in the
15 largest city of Westchester County. The Yonkers,
16 the city of Yonkers is the fourth largest city in
17 New York State, which is the Empire State.

18 I am civically engaged as a
19 Communications Chair for the New York City
20 Housing Authority of over 60,000 residents in the
21 NAACP branch of New York. I'm also a member of
22 the Westchester Black Women's Political Caucus,

1 and a community advocate and a media pedagogy
2 educator.

3 Title two sections, one identity
4 repair. The word identity theft was invented
5 justly for the descendants of enslaved Afro-
6 Americans. Because we don't know our full story
7 of where we came from. This U.S.-D.C. Recovery
8 Act will help get us to that point.

9 This bill, the D.C. Recovery Act, is
10 a holistic approach to identity repair. It's a
11 holistic reproach to identity our loss of our
12 identity and to repair that identity and bring
13 families back together to the injuries that were
14 a direct result of the Trans-Atlantic or North
15 American trade.

16 Every human being, every descendant of
17 enslaved Afro-Americans has the God-given right
18 to know our identity. This same bill is so
19 needed here in the Empire State. As a
20 progressive reformer educator that specializes in
21 the use of media pedagogy, it is imperative that
22 we build self-esteem and self-identity. This is

1 the set time for the D.C. Board to support this.

2 And in closing, I beseech each of you
3 who have a ear to hear and a heart or conscience
4 for justice for all, that you support this D.C.
5 Recovery Act, because it is needed in New York
6 State. We will bring it forth because it is
7 needed here as well, and I am here because of
8 that. And again --

9 (Simultaneous speaking.)

10 MS. STROUD: Thank you, Reverend
11 Ashley, we appreciate your comments. Your time
12 is up, but your comments will be reflected in the
13 record. There were some individuals --

14 (Simultaneous speaking.)

15 MS. STROUD: There were three
16 individuals who requested to speak who did not
17 submit their, who did not indicate prior to the
18 close of business on Friday May 1, so we will
19 allow two minutes each for those individuals.

20 Ms. Hill, are you still on the line

21 MS. HALL: Hall. Hall.

22 MS. STROUD: Ms. Hill? Okay, next up

1 --

2 (Simultaneous speaking.)

3 MS. STROUD: Virgil Young.

4 MS. HALL: No, it's Hall, it's
5 Raynelle Hall.

6 MS. STROUD: Oh, Raynelle Hall. Okay,
7 so we'll hear from Ms. Raynelle Hall first, then
8 Virgil Young, then Michael Sindram. And each of
9 you will have two minutes. Thank you.

10 MS. HALL: Hi, thank you --

11 MS. STROUD: Ms. Hall, if you could
12 start?

13 MS. HALL: Okay, can you hear me?

14 MS. STROUD: Yes, we can hear you,
15 thank you.

16 MS. HALL: Okay, I'm in full support
17 of this Act, I really am. I've grown in DC, I've
18 been here all my life. I've been part of the
19 elderly seniors group of helping them all with my
20 family.

21 And I'm in support of this more or
22 less to know that people that have capitalized

1 off the slavery, they had past generations of
2 just making sure that their children had
3 everything they needed, they got their
4 inheritance and everything.

5 But what was lacking in this was
6 people that actually did the work did not get
7 their inheritance. And it's just a A and B to
8 me. I know I can't be long, so I'm just trying
9 to say things as short as possible to let you
10 know that this is really a necessity. Because we
11 see gentrification going on in D.C. rapidly for
12 years.

13 And I believe that this will help
14 people become who they need to be, have
15 successful business, be put in a position to
16 better their lives so the generations to come can
17 profit the way that they need to physically,
18 mentally, and acknowledging who they are as
19 people.

20 Because right now, as we can see,
21 people have no identity of who they are. They
22 run here, they run there, and they become what

1 their environment is. So this is a much needed
2 thing. Thank you for your time.

3 MS. STROUD: Thank you, Ms. Hall.
4 We'll next hear from Virgil Young.

5 MR. YOUNG: Thank you, ma'am. I want
6 to thank the D.C. Board of Elections, and I want
7 to thank Mr. John Cheeks. Virgil Young, I'm a
8 native Washingtonian, D.C. resident, military
9 veteran, and the Chief Executive Officer of the
10 True Business Intelligence Corporation.

11 We are a marketing firm specializing
12 in fiber optics and semiconductors. I've worked
13 in Silicon Valley for Intel Corporation. And the
14 only way I got that job was from a Black man,
15 that's the only way. I have a master's degree
16 from Howard University, MBA, and I have a second
17 master's degree from George Washington
18 University. And I'm a proud undergraduate of the
19 University of the District of Columbia.

20 Now, as an airborne paratrooper, tank
21 platoon leader, I served in Korea on the front
22 line in the DMZ, and I got a picture to prove it.

1 I've done all this and I still can't a job. I
2 run circles around half the people who have jobs
3 in Washington, D.C.

4 So the Recovery Act is very much
5 needed. We need it. All we want is an equal
6 opportunity. We don't want any special handouts.
7 We don't want -- we just want a equal chance to
8 perform, that's all we want. That's all our
9 ancestors wanted, and that's all we want. And I
10 just want to say more power to Mr. Cheeks and his
11 team, we're going to win. And you know, it's all
12 good.

13 So let's move forward with this Board
14 of Elections. I want you all to make the right
15 decision, and God bless everybody in here.

16 That's all I got to say. Y'all have a good day.

17 (Simultaneous speaking.)

18 MS. STROUD: Thank you, Mr. Young.

19 And the last speaker will be Mr. Sindram. Thank
20 you so much, Mr. Sindram, you have two minutes.

21 Thank you.

22 (Simultaneous speaking.)

1 MR. SINDRAM: Michael Sindram,
2 disabled veteran, served our country more than
3 most. John Cheeks, keep up the good work in the
4 pursuit of right, reason, and fairness.

5 We pride ourselves land of the free
6 and home of the brave. Recovery Act will
7 definitely set a message across the board in this
8 thorny issue of color, of race. And it is a
9 thorny issue. In the pursuit, again, of right,
10 reason, and fairness, we need to compensate those
11 that have made our country great and that have
12 been in our litany, our legacy, sad but true, of
13 Black inferiority.

14 Slavery, indentured servitude, Black
15 codes, separate but equal, which our court, the
16 marble palace, has indicated is not equal. And
17 so this will be indeed a beginning. Once again,
18 Dr. Cheeks, continue, continue the struggle and
19 keep up the good work. You are also attempting
20 with drug testing to ensure the public trust. I
21 hope that's still on the forefront as well.

22 So I want to again echo the sentiments

1 of what has been said, to piggyback in full
2 support. And the land of the free, the home of
3 the brave in the pursuit of right, reason, and
4 the fairness. And the words of Dr. King, the --
5 a man should not be judged, or be it a woman, on
6 the color of her skin, but rather by the content
7 of his or her character.

8 And again, this Recovery Act will set
9 forth in motion putting that in practice. And I
10 would dare say Martin King, who's looking from
11 above and viewing and listening, is showering
12 favor on what's being done, on what's being said.
13 Let's not let him down -- let's not let him down
14 --

15 MS. STROUD: Thank you, Mr. Sindram,
16 your two minutes are up. Your comments will be
17 included in the record. And that concludes the
18 list of speakers regarding the proposed measure.

19 CHAIR BENNETT: So what we're going to
20 do now, I'm going to -- oh, okay, what I'd like
21 to do is to have the General Counsel read for the
22 record their recommendations to the Board as to

1 whether the proposed measure presents a proper
2 subject initiative.

3 MS. STROUD: Thank you, Mr. Chair. So
4 my office reviewed the proposed initiative, and I
5 just wanted to discuss our finding for the
6 record.

7 We have determined that the verified
8 statement of contributions was timely filed on
9 February 24, that the initiative was in the
10 proper form, meaning that it contained or was
11 accompanied by -- there was an affidavit
12 containing the proposer's name, telephone number,
13 resident's address, and a statement that the
14 proposer's a registered qualified elector in the
15 District.

16 Five printed or typewritten copies of
17 the measure were submitted. There was a summary
18 statement of no more than 100 words, as well as a
19 short title of the measure.

20 So we looked at whether or not the
21 proposed measure met the criteria that I outlined
22 previously and determined that the measure would

1 authorize discrimination in violation of the
2 District's Human Rights Act, as beneficiaries are
3 determined by DNA testing. So that the
4 provisions in that regard would violate the Human
5 Rights Act.

6 We determined that the measure would
7 negate or limit a budgetary act of the Council in
8 that it includes unfunded mandates that would
9 interfere with an established budget act by
10 requiring additional unforeseen expenditures for
11 DNA testing requirements and adjudication for
12 determining beneficiaries' qualifications for the
13 new programs envisioned by the measure.

14 The measure would also violate the
15 District Charter. The measure attempts to -- in
16 that it would attempt to legislate outside of the
17 District contrary to D.C. Official Code 1-
18 206.02(a)3 by directing foreign corporations and
19 nations to compensate District residents for the
20 Trans-Atlantic Slave Trade.

21 It would also amend the jurisdiction
22 of the DC court system in contravention of DC

1 Official Code Section 1-206.02(a)4 by granting
2 new jurisdiction to hear new causes of action
3 related to the measure.

4 The measure would also violate the
5 First Amendment by imposing financial sanctions
6 for wearing certain garments, displaying certain
7 bumper stickers, or displaying certain names on
8 statues on private land.

9 The measure would also appropriate
10 funds in that it would require additional
11 expenditures for new and existing programs and
12 allocate funding for new programs, including
13 legal representation in civil cases, body cameras
14 wore to enforce speech censorship, and the
15 establishment of a new office to bestow
16 beneficiaries with recovery funds extracted from
17 private industry.

18 And this violates the right of
19 initiative, which does not allow for these
20 required allocations of funds.

21 Moreover, the measure would propose
22 providing citizens with an unfunded benefit. In

1 a court case titled District of Columbia Board of
2 Elections v. The District of Columbia, the court
3 determined that measures with unfunded mandatory
4 provisions are improper subjects.

5 The measure would violate the U.S.
6 Constitution again because it censors speech in
7 violation of the First Amendment as just
8 discussed, and it would also discriminate on the
9 basis of race.

10 And so that is the memo and the report
11 based on the analysis of the initiative measure
12 that the Office of the General Counsel posed in
13 response to the initiative.

14 CHAIR BENNETT: Have we got anything
15 from the Office of the Attorney General as of
16 yet?

17 MS. STROUD: We have not.

18 CHAIR BENNETT: Okay. What I'm going
19 to do I'm going to -- first of all, let me thank
20 all of the persons who testified today. The
21 testimony was really moving and appreciated.
22 Therefore, what I want to do, my initial plan was

1 to ask for a motion for us to go into executive
2 session after public matters and consider it and
3 have a verbal response today.

4 However, considering the testimony
5 that in my view was quite compelling, and but we
6 also have a legal precedence that undercuts some
7 of that compelling testimony, what I want to do
8 is to make sure that as a board, we have an
9 opportunity to fully vet and fully discuss in
10 executive session all the merits of the matter.

11 And so we will not reconvene. We are
12 going to -- I am going to ask for a motion to go
13 into executive session this afternoon to have
14 discussion on the matter, but we will not
15 reconvene today with a verbal decision. We will
16 get an initial decision out to you as soon as
17 possible. We'll try to do that within a few
18 days, but that's what we'll do today.

19 So I'm going to ask Board Member Gill
20 to give us the motion to go into executive
21 session to discuss this initiative.

22 MEMBER GILL: Michael, may I, before

1 we do that --

2 CHAIR BENNETT: Yes.

3 MEMBER GILL: I just wanted to clarify
4 the point, so our office of General Counsel
5 posted the analysis of the petition or the
6 proposal on the website on April 17.

7 And normally in these situations, we
8 have an analysis provided by the DC Attorney
9 General, which helps us, you know, sort of weigh
10 if there's a conflicting analysis between that
11 attorney general and our own General Counsel's
12 Office, or more often they're the same.

13 But generally we have that DC Attorney
14 General analysis at the same time that we have
15 the hearing, and in this case, we don't. Ours
16 was posted April 17, so it's not like it's not
17 been out there in public. I just want to raise
18 that issue, because I think it's important that
19 people understand we didn't get that analysis
20 from the Attorney General.

21 Now since I used this opportunity
22 before the motion, I'll give Karyn a chance, or

1 if you want to say anything on that. And then
2 otherwise I will offer a motion to go into
3 executive session. But let me give you the
4 opportunity or Karyn to say something.

5 MS. STROUD: Yeah, Mr. Gill, I just
6 want to make a correction. The Board's, the
7 Office of the General Counsel does not post its
8 analysis on the website. We provide our analysis
9 at the time of the proper subject hearing, which
10 we did today through my reading of our analysis
11 into the record.

12 And we did not receive analysis from
13 the Office of the Attorney General. We invite
14 them to submit a analysis and comments, and more
15 often than not, they do, but they did not in this
16 instance.

17 MEMBER GILL: Thank you, Terri.

18 CHAIR BENNETT: Ms. Greenfield?

19 (Simultaneous speaking.)

20 MEMBER GILL: No, no, let Karyn. I
21 was just going to make a motion, but I wanted to
22 let Karyn have an opportunity.

1 CHAIR BENNETT: Well before you make
2 a motion, I want to make a statement as to what
3 you indicated, Mr. Gill.

4 MEMBER GILL: Okay, all right.

5 CHAIR BENNETT: So, Ms. Greenfield.

6 MEMBER GREENFIELD: No, I didn't have
7 anything, I'm fine.

8 CHAIR BENNETT: Okay, well, what I
9 wanted to do, and I think your points are
10 important and well taken, Mr. Gill, what we're
11 going to do is we are going to -- I'm going to
12 take a motion to go into executive session.

13 But just so the public knows, we're
14 also going to ask the Attorney General again to
15 provide us with their legal opinion so as Mr.
16 Gill said, we'll have an opportunity to have
17 additional comment and for other legal opinions
18 to weigh in on the position that our General
19 Counsel has taken with regard to this particular
20 initiative.

21 So with that, can I get a motion for
22 us to go into executive session? And we'll go

1 into executive session this afternoon to
2 deliberate in an adjudication and to adjudicate
3 this particular action.

4 MEMBER GILL: Sure, I make a motion
5 for the Board to move to executive session.

6 CHAIR BENNETT: Ms. Greenfield.

7 MEMBER GREENFIELD: I second.

8 CHAIR BENNETT: Okay, and that is to
9 go into executive session for us to consider the
10 adjudication of this particular initiative. And
11 I vote yes as well, but I'd like to take a roll
12 call vote. Ms. Greenfield, your vote is?

13 MEMBER GREENFIELD: Yes.

14 CHAIR BENNETT: Mr. Gill?

15 MEMBER GILL: Yes.

16 CHAIR BENNETT: And I vote yes as
17 well. So we will go into executive session after
18 public matters, and but to change what I said
19 initially, we want to make sure we have all the
20 material and the legal opinions necessary to
21 consider this really important initiative. And
22 so we will get those and discuss those matters

1 prior to coming out with a decision.

2 And so now we're going to move to
3 public matters, and after public matters, the
4 meeting will be adjourned and the Board will go
5 into executive session to consider the matter.
6 And we'll give you some notice in a day or so as
7 to when the opinion will come out.

8 We're going to try and have it out as
9 soon as possible, but we certainly have -- how
10 many days do we have to get it out?

11 (Off-mic comments.)

12 CHAIR BENNETT: Okay, well, we're
13 going to get it out as soon as possible, because
14 this is really important. And all of you who
15 have testified, I can't tell you how much I
16 appreciate it, and your passion on this issue is
17 certainly shared by many. So thank you so much.

18 Public matters, we have on the line,
19 I know Mr. Sindram's on the line. Is there
20 anybody else on the line who'd like to make a
21 statement?

22 (Simultaneous speaking.)

1 CHAIR BENNETT: Well, let me recognize
2 Ms. Dorothy Brizill.

3 MS. BRIZILL: Okay, this is Dorothy
4 Brizill with DC Watch. I'd like to ask two
5 questions. One is the Council yesterday passed a
6 new bill, the Coronavirus Omnibus Emergency Act
7 of 2020, and in it, it would change the method
8 and means by which petitions are circulated in
9 the District.

10 And in essence it says that petition
11 sheets for the November 3 election may be
12 circulated by candidates electronically. That
13 the candidate may send the petition to petition
14 circulators, and the petitions circulators may in
15 turn return them to candidate electronically.

16 Can I ask Alice how she intends to
17 oversee or implement this? And my concern goes
18 to the fact that every time you transmit a
19 written document with a signature on it in
20 particular, it gets degraded in some way. Is
21 there going to be a requirement from the Board
22 that somewhere someone is going to be required to

1 retain their original petition sheets with the
2 signature?

3 MS. STROUD: So, Ms. Brizill, this is
4 Terri Stroud, and we indicated to the Council
5 that because it was at their request that the
6 Board be allowed to receive signatures digitally.
7 And so we're looking to -- and that was, that's
8 from the Council.

9 And so we are under a statutory
10 mandate to accept digital signatures because of
11 the campaigns and candidates will be allowed to
12 receive those in that manner from the Council.
13 So we're exploring ways to get as high integrity
14 with respect to the signatures as we can. But
15 that is a mandate from the Council, as you're
16 aware.

17 MS. BRIZILL: Well, I understand it is
18 a mandate from the Council in terms of the
19 legislation they adopted, but I've had a
20 conversation with the Chairman of the Council,
21 Mr. Mendelson, and he has agreed with me and has
22 expressed concern about the degradation that

1 could occur with the signatures. And that
2 somewhere, someone will be responsible for
3 retaining those original documents.

4 So in fact after petitions get
5 challenged, there is an original document to go
6 to, not a badly copied email.

7 MS. STROUD: So the individuals who
8 are signing the petitions would in most cases be
9 the ones to have the original signatures because
10 they would be collecting them. And then the law
11 provides that they can provide those signatures
12 electronically to the campaigns and the
13 candidates.

14 And so those signatures in most
15 instances would be with the individuals who are
16 circulating, and we will look into whether or not
17 they could be provided to the Board for the
18 purposes of ensuring the integrity of the
19 signature.

20 CHAIR BENNETT: Yeah, it sounds like,
21 Ms. Brizill, it sounds like that you're
22 recommendation is for us to by regulations

1 require that the persons maintain the original
2 copies, and that's a really good suggestion, and
3 provide that to the Board. So let us consider
4 that and determine how best to implement that.

5 MS. BRIZILL: Okay, thank you. My
6 second question deals with today's meeting.

7 (Simultaneous speaking.)

8 MS. BRIZILL: I got a copy of the --
9 I'm sorry?

10 CHAIR BENNETT: I'm sorry, Ms.
11 Brizill, go ahead.

12 (Simultaneous speaking.)

13 MS. STROUD: Okay, we're are
14 entertaining Ms. Brizill right now, so if you
15 could hold your question, thank you.

16 MS. BRIZILL: I got a copy of those --
17 (Simultaneous speaking.)

18 CHAIR BENNETT: I'm sorry, go ahead.

19 MS. BRIZILL: I got a copy of today's
20 agenda, and on today's agenda it indicated that
21 you were going to have a public hearing on this
22 initiative of United States Adjustment and

1 Recovery Act. I then looked on the Board's
2 website to see if I could find a copy of the
3 proposed initiative. I could not.

4 I then went through every issue of the
5 DC Register since January, could not find the
6 text. Is there any reason why the Board, when it
7 puts an item such as this on its agenda, doesn't
8 include somewhere on its website the text of the
9 initiative?

10 MS. STROUD: Ms. Brizill, the
11 initiative was published in the DC Register on
12 April 17.

13 PARTICIPANT: Great question.

14 MS. BRIZILL: April 17?

15 MS. STROUD: Yes.

16 MS. BRIZILL: Okay, okay, I went
17 through it and I did not see it. Okay, and so
18 did you put -- did you also put --

19 MS. STROUD: It would have been in the
20 public notices section.

21 MS. BRIZILL: Did you also publish in
22 the DC Register today's hearing in terms of

1 proper subject?

2 MS. STROUD: We published the notice
3 -- it was published with the notice for today's
4 hearing in the DC Register. That's where the
5 text of the initiative was.

6 MS. BRIZILL: On April 17?

7 MS. STROUD: Yes.

8 MS. BRIZILL: Okay, thank you.

9 MS. STROUD: You're welcome.

10 CHAIR BENNETT: Can I recognize
11 (telephonic interference) thank you, Ms. Brizill.
12 Can I recognize one other person? I know Mr.
13 Sindram is there, but (telephonic interference).
14 I believe somebody else came in. I'm sorry, can
15 somebody -- if you're not going to speak, can you
16 put your phone on mute.

17 MR. CHEEKS: Yes, this is John Cheek,
18 the proposer.

19 CHAIR BENNETT: Yes, sir.

20 MR. CHEEKS: I was asking to interject
21 in this discussion here. I believe the young
22 lady, Terri, misread the U.S. Recovery Act.

1 We're not asking the District of Columbia to pay
2 for any DNA tests of any of its people. Each
3 person will be responsible for their own DNA
4 test. We're not asking the District of Columbia
5 to even use any of their offices. This is a
6 private concern with a public matter to vote on.

7 CHAIR BENNETT: Okay, I think Ms.
8 Stroud will take note of that. And in fact, if
9 any of the proponents would like to take issue
10 with anything that was read, and I think the
11 General Counsel's opinion will be available on
12 the website, or we can just, you know, like email
13 it to you, you're certainly more than welcome to
14 respond to that.

15 Is there any other public matter?

16 DR. ETIENNE: Yes, this is Dr.
17 Etienne, co-proposer of the Recovery Act. I
18 would like to ask if we can direct this to Mr.
19 Karl Racine, my African-Haitian-American brother,
20 why that he would not respond.

21 This is our second time proposing in
22 front of the Board, of course here on a

1 teleconference. Why, or is he going to respond
2 to something of this magnitude, why would he not
3 respond or send out a letter? So I'm requesting
4 that he respond or put something in writing why
5 he would not be in support of this bill.

6 CHAIR BENNETT: I, we will certainly
7 ask for the Office of the Attorney General's
8 opinion on the matter. I would recommend also
9 that you correspond directly with them as well.

10 (Simultaneous speaking.)

11 MR. CHEEKS: John Cheeks, I would ask
12 for you to request that as well. Could you
13 request that?

14 CHAIR BENNETT: No, he's missed his
15 moment to submit his opinion. We can ask for
16 that to be dismissed.

17 (Simultaneous speaking.)

18 MR. CHEEKS: I want that noted, I want
19 that noted --

20 PARTICIPANT: He did not submit his
21 opinion, so that's dismissed. We don't need it
22 inserted into the record.

1 CHAIR BENNETT: I'll note it, yeah,
2 I'll note it. Is there any other public matters
3 for this session -- this section?

4 MR. SINDRAM: Yes.

5 CHAIR BENNETT: Yes, sir.

6 MR. SINDRAM: Mr. Chair.

7 CHAIR BENNETT: Yes.

8 MR. SINDRAM: Michael Sindram,
9 disabled veteran, served our country more than
10 most. I thank you, Mr. Chair, you're not acting
11 precipitously this Recovery Act and you're taking
12 it under close scrutiny and advisement and render
13 a decision after all of the evidence has been put
14 forth.

15 I have eight items. I want to list
16 them off, and they're going to require responses.
17 You can do it, you know, it's been late, lateness
18 of the hour to get back with me. Number one, the
19 --

20 (Simultaneous speaking.)

21 CHAIR BENNETT: Mr. Sindram, you've
22 got three minutes, sir. I'm sorry, but that's

1 how we're going to roll here. Thanks.

2 MR. SINDRAM: As I've indicated, Mr.
3 Chair, I have eight items I'm going to put out
4 there, I'd like your response.

5 Number one, General Counsel Sanford
6 indicates Jack Evans matter audit will be
7 forthcoming sometime in the future. Keep in mind
8 that the voting May 22, the primary June 2. We
9 want to know. This is going to have an impact on
10 what we're going to do and how we're going to
11 vote. So that audit needs to be brought forth
12 forthwith.

13 Number two, why is not Ed Lazere's
14 name on the at-large ballot for the District of
15 Columbia, in light that he's receiving public
16 funds?

17 Number three, what's been said, the
18 voter guide indicates about absentee ballot
19 deadline. I would refer your attention the
20 mailbox rule that is reflected when deposited
21 mail is properly addressed and needs to be looked
22 at accordingly and taken under -- taken into

1 account.

2 Number four, Mr. Gill, you've
3 indicated that the write-in or that there is no
4 opportunity for write-in on the Republican ballot
5 for President or Vice President. My question to
6 you is what about for the respective Council and
7 other offices to be on the Republican ballot, is
8 there an opportunity for write-in?

9 Number five, the Mushroom Bill. It's
10 putting a chilling effect on the duties of MPD
11 for enforcement. I think the Board needs to look
12 at this very closely and very carefully, you're
13 opening up Pandora's Box.

14 Number six, I'm going to renew my
15 request to you, Mr. Chair, with the DC Court of
16 Appeals. As you know, there's a FAR. I can't
17 enter the courthouse to receive public documents.
18 That ought not be.

19 And I'm beseeching the angels of your
20 better half to reach out to the DC Court to be
21 able to have access, courthouse access, and to
22 retrieve records right at point with the Board of

1 Elections.

2 Number seven, I've asked for a hard
3 copy of the yearly monthly meetings for this
4 year. I've not received it. I've receive a copy
5 of the Mushroom Bill, but not of the yearly
6 meetings. And please send it to me, you have my
7 address or you know how to get in touch with me.

8 And last but not least, it's been
9 problematic to weigh in by phone. I'm holding an
10 order, an Office of Administrative Order in Case
11 No. 2018-DATF-207070, 20207. And it indicates
12 here that the number that had previously been
13 used, the 1-650, doesn't work.

14 And so Judge Handy indicated, and I
15 quote, Prior status conferences were held on May
16 7, 2019, September 13, 2019, and December 13,
17 2019 and continued for parties to resolve the
18 three pending issues.

19 Status conference was scheduled for
20 April 24, 2020, but both parties had difficulties
21 accessing the WebEx meeting room set up for the
22 hearing. Therefore, I have continued status

1 conference and dialed into the telephonic bridge,
2 which I will access using the WebEx meeting
3 platform.

4 And that number is 1-866, not the 1-
5 650. As I've indicated to Ms. Jennings, it's
6 problematic. She did not want to hear my
7 concern, but I'm putting it out there. That needs
8 to be corrected.

9 CHAIR BENNETT: Mr. Sindram --

10 (Simultaneous speaking.)

11 CHAIR BENNETT: Mr. Sindram, thank you
12 so much. I'm sorry I've got to cut you off, but
13 I take note of your requests. Are there any
14 other --

15 MR. SINDRAM: Give me a call and we
16 can discuss further offline.

17 CHAIR BENNETT: Thanks, Mr. Sindram.
18 Is there any other persons with public matters?

19 (Simultaneous speaking.)

20 PARTICIPANT: I just wanted to take
21 the time to say Mr. Bennett, I don't know you,
22 but I personally think that you conducted this

1 hearing in a very professional manner, and I
2 appreciate the logistical efforts that you put
3 in. So thank you very much, and like I said I
4 don't know you, but I think you did a good job
5 today.

6 CHAIR BENNETT: I appreciate that, and
7 please accept this virtual hug. This is really
8 difficult, and everybody's very patient, and so I
9 appreciate that. This is, we're doing the best
10 we can. The technology is challenge at best
11 sometimes, but thank you, I do appreciate that.
12 I don't get thanked very often --

13 (Simultaneous speaking.)

14 PARTICIPANT: I just want to give you
15 and your team instant recognition, because you
16 know, people should be recognized when they try
17 to do their best, and I appreciate what you do
18 for the city, thank you.

19 CHAIR BENNETT: Thank you so much, we
20 have a great team for sure, and virtual hugs to
21 all.

22 So hearing nothing else with regards

1 to public matters, as I've said, we will go into
2 executive session and we will come out with a
3 decision as soon as possible.

4 Thank you so much, and this concludes
5 the May meeting and hearing of the District of
6 Columbia Board of Elections. Can I get a motion
7 from Mr. Gill or Ms. -- from Mr. Gill to adjourn
8 the meeting?

9 MEMBER GILL: I move to adjourn the
10 meeting.

11 CHAIR BENNETT: Can I get a second
12 from Ms. Greenfield?

13 MEMBER GREENFIELD: Yes, I second the
14 motion.

15 CHAIR BENNETT: Okay, and so this --
16 it's been properly moved and seconded, so all
17 three vote that we adjourn the meeting. Thank
18 you so much, and we'll be getting out at a

19 (Simultaneous speaking.)

20 CHAIR BENNETT: Thank you.

21 (Whereupon, the above-entitled matter
22 went off the record at 12:25 p.m.)

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In the matter of: Board Meeting

Before: DCBOE

Date: 05-06-20

Place: teleconference

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Court Reporter

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