



Decriminalize Nature DC
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March 3, 2020

The Honorable Muriel Bowser
The Honorable Phil Mendelson
The Honorable Charles Allen
The Honorable Anita Bonds
The Honorable Mary Cheh
The Honorable David Grosso
The Honorable Kenyan McDuffie
The Honorable Brianne K. Nadeau
The Honorable Elissa Silverman
The Honorable Brandon T. Todd
The Honorable Robert C. White, Jr
The Honorable Trayon White, Sr.

John A. Wilson Building
1350 Pennsylvania Ave., N.W.
Washington, D.C. 20004

Dear Mayor Bowser and Members of the Council:

We are, respectively, the proposer of and the treasurer of the ballot committee supporting the Entheogenic Plant and Fungus Policy Act of 2020, an initiative measure. We are writing about an urgent issue—the increasing spread of coronavirus COVID-19—that threatens the democratic process in the District. This extreme threat warrants the adoption of emergency legislation to ensure that the right of initiative can continue to be exercised.

On February 14, 2020, following a public hearing, the Board of Elections determined that the proposed initiative is a proper subject for initiative and accepted it pursuant to D.C. Code §1-1001.16(b)(2). On February 18, 2020, the Board of Election adopted the short title, summary statement and legislative language for the initiative pursuant to D.C. Code §1-1001.16(d), and was published in the Register on February 28, 2020.

*Paid for by the Campaign to Decriminalize Nature DC. Adam Eiding, Treasurer. 2448 Massachusetts Ave. NW. Washington, DC 20008.
A copy of our report is filed with the Director of Campaign Finance of the District of Columbia Board of Elections.*

Assuming there is no challenge to the title, summary statement, and legislative language, we anticipate that the petition form for the initiative will be distributed at the Board's next public meeting on March 12, 2020. There will then be a limited time to collect the signatures—more than 35,000-- in order to qualify the initiative to appear on the November 2020 general election ballot.

We are extremely concerned that the ability to collect signatures on the petition will be adversely affected by the threat of the coronavirus. The signature collection process would involve 50,000 incidents of hand-to-hand contact, with each collector coming in contact with potentially hundreds of people each day – an estimated 250,000 interactions across DC during the petitioning phase. There is a very serious risk that a combination of public fear and containment measures will make the traditional signature collection a practical impossibility—thus depriving the voters of their fundamental right to make their voice heard through the initiative process.

For that reason, we respectfully request that you develop and sponsor emergency legislation to authorize the Board of Elections to provide for online collection of signatures on initiative petitions in the event of a public health emergency involving government measures that restrict interpersonal contact and public gatherings.

While online voting has unique challenges, we believe that secure digital methods exist for the certification process of ballot initiatives. Specifically, a process could be put in place to enable each individual whose name was placed on the petition online, to verify that the individual actually signed the petition and to afford the opportunity for that signer to delete their name. A signer could go online to check and/or voters could be proactively contacted by the Board by email or regular mail. We also believe that the board of elections will save taxpayers money through this online format.

In that regard, we would note that the Charter of the City of Boulder Colorado was amended in 2018 to authorize the City Council to provide for “[e]lectronic petitions and on-line electronic signing or endorsement of petitions....” (Boulder City Charter, sec. 38(b)).

We recognize the extraordinary nature of and challenges in crafting such legislation, and the implementing rules—but we are facing an extraordinary situation. Last week, one of the nation's leading authorities on election law, Richard Hasen, Chancellor's Professor of Law and Political Science at the University of California Irvine School of Law, wrote that--

Election officials . . . need to have a “plan B” to deal with intentional interference or natural disasters that can disrupt our democratic processes. The point is to come up with backup plans now, before disaster strikes. . . . Should we be unfortunate enough to be dealing

with a coronavirus pandemic which disrupts normal life in the United States during this period, we need to ask how is this going to affect these democratic processes?I don't have any answers to these question. But I hope that people in authority are beginning to grapple with them.

We would be happy to work with appropriate staff in developing such emergency legislation, including submitting proposed language and identifying issues that need to be addressed.

Thank you for your continued leadership on this issue, and for your time and attention to this urgent matter facing the residents of the District of Columbia.

Sincerely yours,

Melissa Lavasani
Proposer
Campaign to Decriminalize Nature DC

Adam Eiding
Treasurer
Campaign to Decriminalize Nature DC