

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS AND ETHICS**

In Re:
“Restoration District of Columbia’s
Elected Officials Power Mayor Council
Members Home Rule Voting Rights
Under Constitutional Rights” Initiative

Administrative Hearing
No. 03-004

Re: Rejection of Proposed
Initiative Measure

MEMORANDUM OPINION AND ORDER

This matter came before the Board of Elections and Ethics (hereinafter “The Board”) originally on Wednesday, May 14, 2003, and involved a determination by the Board that the proposed initiative—““Restoration District of Columbia’s Elected Officials Power Mayor Council Members Home Rule Voting Rights Under Constitutional Rights” Initiative—could not be processed by virtue of its inconsistency with the Constitution of the United States. Article I Section 8 of the U.S. Constitution grants the U.S. Congress the power to exercise exclusive Legislation in all Cases whatsoever, over such District. This measure attempts to infringe on the Congress’s power to legislate over the District of Columbia. Accordingly, this is not a rightful subject of legislation within the District consistent with the Constitution as D.C. CODE §1-203.02 requires of all legislative measures.

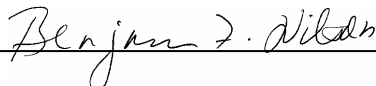
The proponent of the measure, Ms. Yehanna Malone, also failed to file a verified statement of contributions with the Office of Campaign Finance. D.C. CODE §1-1001.16(b)(1)(A) cites failure to file a verified statement of contributions as grounds upon which the Board shall refuse to accept such measure.

Ms. Malone resubmitted the proposed initiative unaltered on September 16, 2003 without filing a verified statement of contributions with the Office of Campaign Finance. Ms. Malone was notified via first-class mailed sent to her designated P.O. Box of a hearing scheduled for October 1, 2003 to determine the whether the proposed measure was a proper subject of an initiative. Ms. Malone did not appear before the Board on October 1, 2003, and the Board decided unanimously to deny the proposed measure for the reasons previously stated.

Accordingly, it is hereby

ORDERED, that the “Restoration District of Columbia’s Elected Officials Power Mayor Council Members Home Rule Voting Rights Under Constitutional Rights” Initiative be rejected on the grounds that the measure is in direct contravention to the Constitution, and no verified statement of contribution has been filed.

October 2, 2003



Benjamin Wilson
Chairman,
D.C. Board of Elections and Ethics

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing order was mailed via first class service this 2nd of October, 2003 to the following party: Yehanna Malone, P.O. Box 15082, Washington D.C. 20003

Rudolph McGann