

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

In Re: District of Columbia Independents for Citizen Control Party
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Administrative Hearing
No. 07-002

Re: Application for Approval of
the Name of a Political Party

MEMORANDUM OPINION AND ORDER

Introduction

This matter came before the Board of Elections and Ethics (“Board”) on Wednesday, March 07, 2007, pursuant to D.C. CODE § 1-1001.05(a) (14) and 3 DCMR §1605. It involves an application for the approval of the name “District of Columbia Independents for Citizen Control Party” as a registered political party in the District of Columbia. The Chairman of the proposed party, Dennis Moore, represented the political party before the Board. Chairman Wilma A. Lewis and Board members Lenora Cole and Charles R. Lowery, Jr. presided over the hearing.

Statement of the Facts

This is the second iteration of the proposed political party’s “Application for Approval of the Name of a Political Party in the District of Columbia.” Mr. Moore initially filed an application on November 13, 2006, pursuant to 3 DCMR § 1605.3. The initial proposed designation was the “District of Columbia Independent Party.” Mr. Moore also filed a copy of the mission statement and bylaws of the proposed party. On January 10, 2007, the Board denied the proposed political party’s application due to concerns that the manner in which the term “independent” appeared in the proposed

3.

On January 11, 2007, Mr. Moore filed a new application pursuant to 3 DCMR §1605.3. Mr. Moore submitted the designation “District of Columbia Independents for Citizen Control” (“DCICC”) as the new proposed name of the political party. Mr. Moore again filed a copy of the proposed party’s mission statement and bylaws. In its mission statement, the proposed party has expressly omitted from its membership duly registered voters who claim no party affiliation: “As a political party, we do not and will not represent District of Columbia voters who identify themselves or are registered as no party (independent) voters with the District of Columbia Board of Elections and Ethics.” See DCICC Mission Statement. Further, the By-laws have been amended in relevant part as follows:

ARTICLE 1 – NAME

DCICC will represent only duly registered District of Columbia voters who register through the District of Columbia Board of Elections and Ethics as members of District of Columbia Independents for Citizen Control political party. *DCICC will not be representative of voters who define themselves, or are registered as, independent or no party—as in independent of or unaffiliated with any political party.*

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ARTICLE 3 – MEMBERSHIP

Section 1. General Members are duly registered District of Columbia voters who are members and non-elected officers of DCIC. Executive Members are duly registered District of Columbia voters who are elected DCICC officers engaged in the administration of DCICC. All voters registered with the DCICC shall be known as District of Columbia Independents for Citizen Control.

Section 2. General Members cannot be officially registered with any other political party, *or be registered as independent or no party with the District of Columbia Board of Elections and Ethics.*

ARTICLE 5 – MEMBERSHIP REQUIREMENTS AND OBLIGATIONS

Section 1. District of Columbia voters, who have renounced their affiliation and participation with another political party *or their registration as an independent or no party voter in the District of Columbia*, are eligible for DCICC membership.

The District of Columbia Independents for Citizen Control Party Bylaws (emphasis added).

On January 16, 2007, Mr. Moore filed a Statement of Organization with the Director of Campaign Finance pursuant to D.C. CODE § 1-1102.04(a).

Analysis

Each proposed political party must comply with the procedural requirements for approval of its name pursuant to D.C. CODE § 1-1102.04(a)¹ and 3 DCMR §§ 1605.2² and 1605.3³. The Board finds that all of the procedural requirements were met here. The proposed party submitted an application with all the requisite information on the proscribed form, and timely filed a Statement of Organization with the Director of the Office of Campaign Finance.

Once the Board determines that a proposed political party has met the procedural filing requirements, the Board then considers whether the proposed name for the political party would tend to confuse or mislead the public. Pursuant to 3 DCMR § 1605.4, “[t]he

¹ D.C. CODE § 1-1102.4(a) states in relevant part: “each political committee shall file with the Director a statement of organization within 10 days after its organization.”

² 3 DCMR § 1605.2 states: “Application for approval of the name of a political party shall be made on a form prescribed by the Board.”

³ 3 DCMR § 1605.3 states: “The application for party approval shall include the name, address, telephone number, and voter registration number of the chairperson, treasurer, other principal officers and each member of the duly authorized local committee of such party in the District.”

Board may reject any application for approval of a name that, in the judgment of the Board, tends to confuse or mislead the public.”

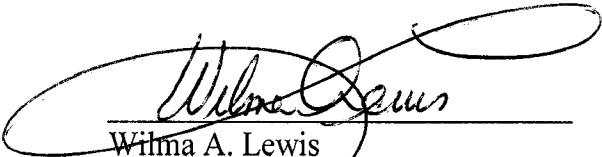
The Board approves the name “District of Columbia Independents for Citizen Control Party” as proposed in the application before the Board. The Board finds that the proposed name is “sufficiently distinguishable from the commonly used term ‘independent’ that it will allow voters to readily differentiate between the political party and the state of being unaffiliated.” *See* DCBOEE Admin Order 07-001. The proposed political party addressed the Board’s prior concerns with the use of the term “independent” by incorporating “for Citizen Control” in the name. DCICC has thus sufficiently distinguished itself so as not to foster confusion among the electorate.

Accordingly, the Board approves the name “District of Columbia Independents for Citizen Control Party” pursuant to D.C. CODE § 1-1001.05(a) (14).

For the foregoing reasons, it is hereby:

ORDERED that the District of Columbia Independents for Citizen Control Party’s Application for Approval of the Name of a Political Party in the District of Columbia is **APPROVED**.

Date: March 16, 2007



Wilma A. Lewis
Chairman, Board of Elections and Ethics

Dr. Lenora Cole
Member, Board of Elections and Ethics

Charles R. Lowery, Jr.
Member, Board of Elections and Ethics

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing order was hand-delivered this
day of March, 2007 to Dennis Moore, 490 Taylor Street, N.E. Washington D.C. 20017
