

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

In Re:

Americans Vote 2008 God Father  
Son Jesus Holy Spirit back Representing  
America Christianity Legal Religion

Administrative Hearing  
No. 07-006

Re: Rejection of Proposed  
Initiative Measure

**MEMORANDUM OPINION AND ORDER**

This matter came before the Board of Elections and Ethics (hereinafter "The Board") on Wednesday, December 5, 2007. Chairman Charles Lowery and Board member Dr. Lenora Cole presided over the matter. The proponent of the proposed initiative measure, Ms. Yehanna Malone, appeared *pro se*. The Board determined that the proposed initiative entitled "Americans Vote 2008 God Father Son Jesus Holy Spirit back Representing America Christianity Legal Religion" Initiative cannot be accepted on the grounds that it does not fulfill the "proper subject" requirements set forth in the District of Columbia's laws governing initiatives.

First, pursuant to D.C. Code §1-204.101, District of Columbia law provides that registered qualified electors may use the initiative process to 'propose laws' (except laws appropriating funds) and present such proposed laws directly to the registered qualified electors of the District of Columbia for their approval or disapproval." Ms. Malone availed herself of her rights and submitted an initiative petition to the Board on October 31, 2007.

Second, D.C. Code § 1-1001.16(b)(1)(A) provides that the Board shall refuse to accept an initiative if the verified statement of contributions has not been filed pursuant to D.C. Code §§ 1-1102.04 and 1-1102.06.

Third, Title 3 of the District of Columbia Municipal Regulation (DCMR) § 1000.6 further provides, “the phrase ‘verified statement of contributions’ shall consist of the following: (a) [t]he statement of organization, under D.C. Code § 1-1102.04 (2001); and (b) [t]he report(s) of receipts and expenditures, under D.C. Code § 1-1102.06 (2001).” Accordingly, Ms. Malone submitted her verified statement of contributions with the Office of Campaign Finance on November 1, 2007.

Although Ms. Malone accomplished all of the preliminary procedural requirements in submitting her initiative petition, the initiative cannot be processed for a number of reasons.

Foremost, the First Amendment to the United States Constitution states, “Congress shall make no law respecting an establishment of religion.” The legislative text of the proposed measure is actually a religious proclamation, as stated in the legislative title, and is a clear example of the establishment of religion.<sup>1</sup> Accordingly, this is not a rightful subject for District of Columbia legislation consistent with the U.S. Constitution and D.C. Code §1-203.02 which states, “the legislative power of the District shall extend to all rightful subjects of legislation within the District consistent with the Constitution of the United States. . .” Thus, in accordance with the United States Constitution and the District of Columbia laws, the proposed initiative is deemed

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<sup>1</sup> The legislative text of the proposed measure includes scriptural passages, and religious statements such as: “Devine justice was carried out on the cross. God declared Jesus death paid the debt in full for our sins and disobedience.”

not a proper legislative subject.

Moreover, consistent with all laws promulgated by the Council of the District of Columbia,<sup>2</sup> a proposed initiative must include text that includes a short title, an enacting clause, substantive sections prescribing standards of conduct, and an effective date clause, as outlined in the “Legislative Drafting Manual of the Council of the District of Columbia (November 2001). The Proposed Measure does not contain an enacting clause or an effective date clause and, accordingly, does not contain all of the requirements of a proposed law. Thus, the initiative was not submitted in the proper form.

Lastly, the legislative text does not accomplish any concrete measures or action-oriented activities. According to the “*Convention Center Referendum Committee v. District of Columbia Board of Elections and Ethics*, 441 A.2d 889”, in as much as an initiative establishes law, the proposed legislation must include a bill. Instead, the legislative text merely recites tenets of the proponent’s faith without any proposals for substantive actions.

Accordingly, it is hereby

**ORDERED** that the “Americans Vote 2008 God Father Son Jesus Holy Spirit back Representing America Christianity Legal Religion” Initiative be rejected on the following grounds:

1. The proposed initiative is not a proper subject for an initiative;

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<sup>2</sup> The power of initiative is co-existent with the power of the D.C. Council to enact legislative acts except that it is not as extensive, because initiative measures may not propose laws appropriating funds. One manner in which initiative measures must resemble Council acts is in terms of drafting requirements.

2. The proposed measure is in direct contravention to the Constitution and the laws of the District of Columbia;
3. The proposal was not submitted in the proper form; and
4. The legislative text lacks any proposal of substantive action.

December 12, 2007

*Charles R. Lowery, Jr.*

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Charles R. Lowery, Jr., Esq.  
Chairman Board of Elections & Ethics

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