

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

In Re D.C. Independent Party
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Administrative Hearing  
No. 10-011

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”) pursuant to D.C. CODE § 1-1001.05(a) (14) on Wednesday, September 8, 2010, and involved an Application for the Approval of the Name of a Political Party in the District of Columbia. The Chairman and Vice Chairman of the proposed party, Messrs. Nestor Djonkam and George Jackson, represented the political party before the Board. Chairman Togo D. West, Jr. and Board member Charles R. Lowery, Jr. presided over the hearing.

**Statement of the Case**

Pursuant to 3 DCMR § 1605.3, Mr. Djonkam filed an Application for Approval of the Name of a Political Party in the District of Columbia on August 6, 2010. The proposed designated name of the new party is D.C. Independent Party. On August 18, 2010, Mr. Djonkam filed a Statement of Organization with the Director of Campaign Finance, pursuant to D.C. CODE § 1-1102.04(a). The Board’s Office of the General Counsel reviewed the District’s current list of political parties authorized in the District of Columbia and represented to the Board that there were no names identical or similar to the proposed party name but that the same name had been previously proposed by

another group of citizens and rejected by the Board. *See In Re The District of Columbia Independent Party*, BOEE Admin. Hrg. No. 07-001 (Jan. 10, 2007).

### Analysis

In the District of Columbia, pursuant to D.C. Code § 1-1102.04(a) and 3 DCMR §§ 1605.2<sup>1</sup> and 1605.3,<sup>2</sup> each proposed political party must comply with established procedural requirements for approval of its name. The Board finds that all of the procedural requirements were met in the instant case. The proposed party submitted an application with all the requisite information on the prescribed form, and the proposed party filed a Statement of Organization with the Director of the Office of Campaign Finance.

Once the Board determines that a proposed political party has fulfilled all of 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 Board may reject any application for approval of a name that, in the judgment of the Board, tends to confuse or mislead the public.”

In the instant case, Mr. Djonkam’s proposed party has assumed a name that has been historically associated with duly registered voters that claim no party (*independent*) in the District of Columbia. This nomenclature is even reflected in the voter registration forms issued by the Board. Approving a party with the name *independent* may result in a

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<sup>1</sup> 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.”

<sup>2</sup> 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.”

great deal of confusion because citizens who wish to eschew party affiliation could mistakenly join the proposed party.


As indicated by the Board's General Counsel the same name in this matter was proposed by a group of citizens in the matter of *In Re The District of Columbia Independent Party* and was rejected. The proposer in that case opted to alternatively use the name Independents for Citizen Control. *See Independents for Citizen Control, 07-002* (Mar. 12, 2007). This minor party name obviates any confusion and was accordingly accepted by the Board. The Board must always remain cognizant of those registered voters who have no desire to affiliate with a political party. These registered voters consciously choose the Independent/No party affiliation as it has been historically categorized here in the District of Columbia.

Accordingly, the Board rejects the designated name "D.C. Independent Party" pursuant to 3 DCMR 1605.4, as a name that would tend to confuse or mislead the public. Specifically, the Board finds that the proposed name is confusing and misleading in that it is not sufficiently distinguishable from the term "independent" which traditionally has been associated with registered voters who claim no party affiliation.

For the foregoing reasons, it is hereby:

**ORDERED** that the District of Columbia Independent Party's Application for Approval of the Name of a Political Party in the District of Columbia is **DENIED**.

September 17, 2010  
Date

  
Togo D. West, Jr.  
Chairman, Board of Elections and Ethics

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