

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

Mary Williams,

Petitioner

v.

Sidney McMahan

Respondent

Administrative Hearing

No. 06-003

Re: Challenge to Residency  
of Andrew McMahan

**MEMORANDUM OPINION AND ORDER**

This matter came before the Board of Elections and Ethics pursuant to D.C. CODE § 1-1001.7(e)(5) on Monday, July 31, 2006, and involved a challenge filed by Mary Williams to the residency of Sidney McMahan. The Respondent was represented by counsel, and the Petitioner appeared pro se. Pursuant to D.C. CODE § 1-1001.05(g) the Board heard the case by a one (1) member panel. Board member Dr. Lenora Cole presided over the hearing.

Ms. Williams suggested that Mr. McMahan changed his address for the purposes of filing a recall petition against her as the Advisory Neighborhood Commissioner for single-member district 6D03. In support of her allegation that Mr. McMahan does not live at 1230 Carrollsburg Place, S.W., Ms. Williams submitted court filings from an on-going legal matter between the parties where the caption provided an alternative address with proof of service indicating receipt by Mr. McMahan. Ms. Williams also asserted that she never witnesses Mr. McMahan coming or going from the address in question.

Pursuant to D.C. CODE § 1-1001.02(16) residency is primarily determined by the

intent of the person claiming residency:

The term "residence", for purposes of voting, means the principal or primary home or place of abode of a person. Principal or primary home or place of abode is that home or place in which the person's habitation is fixed and to which a person, whenever he or she is absent, has the present intention of returning after a departure or absence therefrom, regardless of the duration of the absence. In determining what is a principal or primary place of abode of a person the following circumstances relating to the person may be taken into account: (i) Business pursuits; (ii) Employment; (iii) Income sources; (iv) Residence for income or other tax purposes; (v) Residence of parents, spouse, and children; (vi) Leaseholds; (vii) Situs of personal and real property; and (viii) Motor vehicle registration.

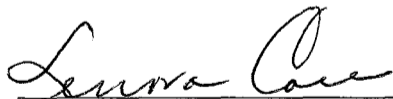
This case rests squarely upon resolution of Mr. McMahan's intent of residency. Mr. McMahan submitted documentary evidence tending to evince intent to characterize 1230 Carrollsburg Place, S.W. as his residence. Mr. McMahan submitted a Credit Union mailing, a Jury Summons, a Health Care card, recent mailings to the address, a recent pay stub, and provided his license for visual inspection. Although the Board empathizes with Ms. Williams and recognizes its role in maintaining accurate voting records, she presented no evidence tending to show Mr. McMahan had any intention of moving from his residence. What was bothersome for the Board was the lack of any documentary evidence evincing intent to live elsewhere other than the court filings that were initiated by Ms. Williams herself. Since Ms. Williams presented no evidence of differing intent with respect to Mr. McMahan's residency, the Board determined that Ms. Williams claim should be dismissed.

Accordingly, the Board, having denied Ms. Williams' challenge to Mr. McMahan's residency on the ground that Ms. Williams lacked any substantiating evidence that tended to diminish Mr. McMahan's stated intent of residency, it is hereby

**ORDERED**, that Ms. Williams' challenge is **DENIED**.

August 3, 2006

Date

A handwritten signature in cursive script, reading "Lenora Cole", written over a horizontal line.

Dr. Lenora Cole

Board Member,

Board of Elections and Ethics