

**COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA**

In Re JAMES R. MCBEE

Administrative Hearing
No. 06-006

Re: Vacate Certified Election
Results for 6D03

MEMORANDUM OPINION AND ORDER

This matter came before the Board of Elections and Ethics pursuant to D.C. CODE § 1-1001.5(a)(11) on December 7, 2006 and involved the Board vacating its November 21, 2006 certification of the election results for Advisory Neighborhood Commissioner (“ANC”), Single member District (“SMD”) 6D03. Board members Dr. Lenora Cole and Charles R. Lowery, Jr. presided over the hearing.

James McBee was a candidate for ANC SMD 6D03 during the November 7, 2006 General Election. The Board certified Mary Williams as the winner of the SMD 6D03 contest by a margin of thirteen (13) votes—recording one hundred, forty-five (145) votes for Ms. Williams and one hundred, thirty-two (132) votes for Mr. McBee. The Board however incorrectly designated a residential building in SMD 6D03 located at 350 G Street, S.W. as being within the boundaries of SMD 6D02.

The Board independently verified that at least thirty-seven (37) voters registered at 350 G Street, S.W. were given ballots for SMD 6D02 as opposed to the correct ballots for SMD 6D03. Accordingly, the Board’s mistake is serious enough to vitiate the election as a fair expression of the will of the registered qualified electors voting therein

because more qualified electors were denied an opportunity to vote in the contest than the margin of victory. *see* D.C. CODE §1-1001.11(b)(2)(B).

Accordingly, it is hereby **ORDERED** that the Board vacates its November 21, 2006 certification of the November 7, 2006 ANC SMD 6D03 election and declares a vacancy. A special Election will be held to fill the vacancy as soon as possible.

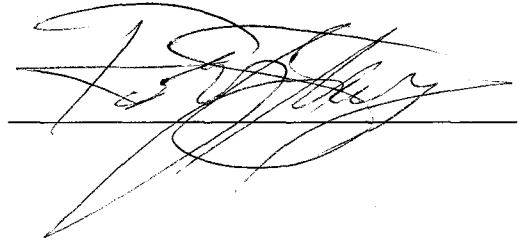
December 7, 2006
Date

A handwritten signature in cursive script, appearing to read "Lenora Cole", written in black ink on a white background.

Dr. Lenora Cole
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 December, 2006 to James R. McBee, 827 3rd Street S.W. Washington D.C. 20024 and Mary Williams, 1257 Carrollsburg Pl. SW Washington D.C. 20024.

A handwritten signature in black ink, written over a horizontal line. The signature is highly stylized and cursive, appearing to read "J. R. McBee".