



04/02/2024

Devin Hamilton, Legal Assistant

**BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS  
STATE OF GEORGIA**

**SETH TAYLOR,**  
**Petitioner,**

v.

**SAMANTHA BROWN-PARKS,**  
**Respondent.**

**Docket No.: 2434004**  
**2434004-OSAH-SECSTATE-CE-60-**  
**Malihi**

**Agency Reference No.: 2434004**

**INITIAL DECISION**

**I. INTRODUCTION**

Petitioner Seth Taylor challenges Respondent Samantha Brown-Parks' qualifications to be a candidate in the general primary for Georgia State House District 54. Specifically, Petitioner contends that Respondent does not meet the residency requirements to be a candidate under the Georgia Constitution and O.C.G.A. § 28-2-1(b). On March 27, 2024, the Court conducted an evidentiary hearing in this matter. Petitioner was present and represented himself. Respondent was present and was represented by Ray Smith, III, Esq. Based on the evidence presented, the Court concludes that Respondent is qualified to be a candidate for House District 54.

**II. FINDINGS OF FACT**

1.

Respondent has declared her candidacy for Georgia State House Representative in District 54. She currently resides at 225 Franklin Road NE, Unit 2501, Atlanta, Georgia 30342 ("225 Franklin Road"). 225 Franklin Road is an apartment building located in Sandy Springs within House District 54. Respondent entered into the lease on November 3, 2023, and she receives utility bills for the address in her name. As of November 4, 2023, she obtained renter's insurance for the unit at 225 Franklin Road. Respondent's voter registration reflects the same address, as does the

registration with the Secretary of State and the IRS employer identification number for her political organization, Friends of Doctor Sam LLC. Her son is enrolled in the local public high school. (Testimony of Respondent; Exhibit 1, 3, 4, 5, 6, 7, 8, 9.)<sup>1</sup>

2.

Respondent and her spouse own a house located at 1381 Wesley Parkway NW, Atlanta, Georgia 30327, outside of House District 54 (“1381 Wesley Parkway”). Respondent’s spouse currently resides there. Tax records show that the couple has filed a homestead exemption for 1381 Wesley Parkway. Respondent testified that she and her spouse intend to sell 1381 Wesley Parkway and purchase a new home in Sandy Springs, in House District 54 and in the school district where her son currently is enrolled. She explained that the process was stymied when portions of the 1381 Wesley Parkway house flooded in August 2023. Before they can put 1381 Wesley Parkway on the market, they must complete needed repairs. Respondent has consulted with real estate agent John Bailey regarding the family’s plans to sell 1381 Wesley Parkway and then use the proceeds to purchase a home in Sandy Springs. (Testimony of Respondent, John Bailey; Exhibit F.)

3.

On March 14, 2024, Petitioner, a registered voter and eligible elector in House District 54, filed a challenge to Respondent’s qualifications with the Secretary of State, alleging that Respondent is not a resident of the district. The primary election for House District 54 is on May 21, 2024, and the general election will take place on November 5, 2024. (OSAH Form 1, attachments.)<sup>2</sup>

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<sup>1</sup> The Court observes that the information on Respondent’s driver’s license, Exhibit 2, apparently includes a clerical error: it shows the street address as 255 Franklin Rd #2501, Atlanta, GA 30342-2602, rather than 225 Franklin Road. This apparent clerical error is immaterial to the reasoning in this Initial Decision.

<sup>2</sup> See Ga. Const. Art. III, § II, Para. V (members of the Georgia General Assembly are elected biennially on Tuesday after the first Monday in November).

### III. CONCLUSIONS OF LAW

1.

A candidate for State office must meet all constitutional and statutory requirements for holding the office sought by the candidate. O.C.G.A. § 21-2-5(a).

2.

Pursuant to Code Section 21-2-5(b), either the Secretary of State or a qualified elector residing in a state legislative district may challenge a candidate's qualifications to hold office. In the present case, Petitioner, an elector from District 54, challenges Respondent's qualifications and contends that Respondent does not meet the constitutional and statutory residency requirements.

3.

Respondent has the burden of proving that she is qualified to be a candidate for House District 54. See Haynes v. Wells, 273 Ga. 106, 108-09 (2000). The burden of proof is a preponderance of the evidence. Ga. Comp. R. & Regs. 616-1-2-.21(4).

4.

Candidates for the Georgia House of Representatives must be legal residents of the district from which they are elected for at least one year. Ga. Const. Art. III, Sec. II, Para. III(b); O.C.G.A. § 28-2-1(b). The Georgia Supreme Court has interpreted a one-year residency provision as requiring a candidate "to be a resident of the territory within the district for 12 months prior to the general election." See Cox v. Barber, 275 Ga. 415, 416 (2002) (durational residency requirement for election to the Georgia Public Service Commission under O.C.G.A. § 46-2-1 held constitutional). Accordingly, Respondent must prove that she has been a resident of District 54 since November 5, 2023, in order to qualify as a candidate in this case.

5.

In considering this question, the Court is guided by case law on residency and domicile as well as the statutory provisions regarding the determination of residency for candidates. As an initial matter, “[w]herever a form of the word ‘reside’ occurs either in the statutes or in the constitution of Georgia with respect to voting, it should be construed to mean ‘domicile.’” Dozier v. Baker, 283 Ga. 543, 543-44 (2008) (internal quotation marks and citations omitted); see also Handel v. Powell, 284 Ga. 550, 550 (2008); O.C.G.A. § 21-2-2(32). Although a person may have several residences, he or she may have only one place of domicile. Kean v. Marshall, 294 Ga. App. 459, 461 (2008) (considering domicile for child support purposes). “To acquire a domicile in a particular jurisdiction, one must actually reside there with the intention of remaining permanently or for an indefinite time, and a domicile once established continues until a new domicile is acquired. One cannot acquire a new domicile simply by a change of residence; it must instead be with the intention of abandoning the old residence and of remaining permanently or for an indefinite time in the new.” Id. (citation omitted).

6.

In addition to these general principles regarding residency and domicile, the Georgia Legislature has established a series of rules for determining residency for purposes of registering to vote or qualifying for elective office. See O.C.G.A. § 21-2-217. The Georgia Supreme Court, in interpreting this Code section, has held that no one rule is determinative of the issue of residency; rather, this Court must consider all the rules “so far as they are applicable.” See Handel v. Powell, 284 Ga. at 553-54 (citing O.C.G.A. § 21-2-217(a)).

7.

The Court has carefully reviewed Petitioner’s argument and Exhibits A-H. Having

considered the statutory rules and applicable case law, the Court concludes that Respondent, through her credible and un rebutted testimony, made a prima facie case that she has been a legal resident of District 54 since at least November 3, 2023, which is shortly before the operative date of November 5, 2023. In addition to presenting various documents supporting a conclusion that 225 Franklin Road is Respondent's domicile, notably including her son's school enrollment document, Respondent testified credibly as to her intent to remain in the district indefinitely. Mr. Bailey's testimony echoed the reasons for the timing and manner of Respondent's move to District 54.

**IV. DECISION**

Accordingly, based upon the above Findings of Facts and Conclusions of Law, Respondent is qualified to be a candidate for State House District 54.

**SO ORDERED**, this 1st day of April, 2024.

*Michael Malihi*

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**Michael Malihi**  
**Administrative Law Judge**

