

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

In the Matter of	)	Administrative
Britnee Scott	)	Order #26-001

AMENDED MEMORANDUM OPINION AND ORDER

Introduction

This matter came before the District of Columbia Board of Elections (“the Board”) on December 3, 2025 and January 14, and July 17, 2026. It concerns a recommendation by the Board’s General Counsel that the Board take civil enforcement action against Britnee Scott based on evidence that she voted twice in the 2024 D.C. General Election (“GE”). Chairman Gregory McCarthy and Board members Karyn Greenfield and Michael Wakefield presided over the July 17th hearing.¹ Ms. Scott and the Board’s General Counsel, Terri Stroud, were also present on December 3, 2025. Ms. Scott did not appear on January 14, or July 17, 2026.

Background

As a result of a Voter Participation Project report issued by the Election Registration Information Center (“ERIC report”), the Board’s Office of General Counsel (“OGC”) became aware of evidence that ballots were cast in the same voter’s name, *i.e.*, Britnee Scott’s name, in the D.C. 2024 GE and in the 2024 GE in Maryland.² Given the preliminary evidence of possible illegal double voting, OGC reviewed Ms. Scott’s D.C. voter files and the voting record provided by Maryland. The signatures associated with each jurisdiction’s 2024 GE ballot matched not only

¹ The earlier proceedings were held before Gary Thompson, former Board Chair, and Member Greenfield.

² Such evidence of voting twice presented the prospect of, *inter alia*, violations of 52 (“Voting and Elections”) U.S. Code § 10307 (“Prohibited Acts”).

each other but also multiple other D.C. signature samples on file for Ms. Scott. The Maryland record showed that Ms. Scott voted in-person there on election day. The D.C. records included a scan of a ballot return envelope for a 2024 GE mail ballot issued to Ms. Scott that had a handwritten date that is written over and that appears to change the date on the return envelope from November 2, 2024 to election day November 5, 2024. The D.C. mail ballot return envelope provides for the voter to certify that he or she “ha[s] not and will not vote, or attempt to vote more than one ballot in this election, and that [he/she is] not voting in any other jurisdiction in the U.S.”

Based on these records, OGC sent Ms. Scott a notice of a pre-hearing conference scheduled for November 17, 2025. The notice advised, *inter alia*, that the purpose of the pre-hearing conference would be to ascertain whether the Board has jurisdiction over any possible double vote and, if so, whether there is sufficient evidence to recommend enforcement action.³

Ms. Scott appeared at the pre-hearing conference. She admitted voting in Maryland but denied voting in D.C. in the 2024 GE, saying that she had not lived in D.C. for a number of years. When asked to explain the fact that the signature on the D.C. ballot return envelope matched signatures on file for her, Ms. Scott claimed that this was a case of identity theft.⁴

Also on November 17, 2025, following the pre-hearing conference and in response to a request from Ms. Scott, the OGC attorney assigned to the matter emailed signature evidence to Ms. Scott. That evidence consisted of the Maryland ballot ticket, the D.C. ballot return envelope, and a D.C. voter registration update/application form for Ms. Scott that was executed on August

³ The notice also stated that if Ms. Scott did not appear, the proceeding could go forward in her absence. The notice was sent via an email address in Ms. Scott’s voter file. She emailed back the next day expressing surprise and claiming that she had not lived in D.C. in sometime and asking for guidance. The OGC attorney assigned to the matter responded by suggesting, based on the fact that the signatures on the ballots as issue matched each other and other signatures provided by Scott, that Scott obtain counsel.

⁴ During the pre-hearing conference, the OGC attorney confirmed from Ms. Scott the email address that OGC should use for the purposes of communicating with Ms. Scott.

21, 2024 (*i.e.*, less than three months prior to the 2024 GE), whereby the registrant signed an oath that they were a D.C. resident living at the D.C. address provided on the form and that they did “not claim voting residence or he right to vote in another U.S. state or territory.” That form had a signature in the oath portion that matched other signatures on file for Ms. Scott. The address provided on the form was the same as the address on Ms. Scott’s D.C. 2024 GE ballot return envelope. The form also identified a Maryland address as the mailing address for Ms. Scott. That Maryland address matches the address on the ballot ticket for the 2024 GE ballot cast in Ms. Scott’s name in Maryland. The email forwarding this evidence to Ms. Scott stated that that “evidence is sufficient to warrant enforcement action in the District[.]” The email forwarding the signature evidence also indicated that it was not OGC’s job “to prove that this evidence is unreliable,” but advised that if Ms. Scott provided the names of suspected culprits, the assigned attorney would be willing to conduct a follow-up investigation of third parties residing at her allegedly former D.C. address and who she maintained have forged her signature.⁵

The next day, November 18, 2025, the OGC attorney assigned to the matter also emailed Ms. Scott a notice of a December 3, 2025 Board hearing in her case. This Board hearing notice also encouraged Ms. Scott to provide any information that would enable her claims of identity theft to be investigated. Ms. Scott responded via email with an acknowledgement of receipt, but did not provide any information as to any possible identity theft culprits.

On December 1, 2025, the OGC attorney assigned to the matter emailed Ms. Scott a reminder of the December 3 hearing. The email alerted Ms. Scott to the fact that the General

⁵ The OGC attorney assigned to the matter also checked the voter files of persons residing at the address on the D.C. ballot return envelope and found nothing that would throw suspicion on those individuals.

Counsel planned to recommend at the hearing that Ms. Scott's case be referred to the D.C. Attorney General for criminal investigation.⁶

At the December 3, 2025 hearing, the OGC attorney assigned to the matter presented the facts surrounding the investigation of Ms. Scott's ballots and the signature evidence. The Board Chair accepted into the record the evidence submitted by OGC. The OGC attorney explained that the in-person ballot for Maryland was cast on the same day as was written on the mail ballot return envelope for Ms. Scott's D.C. ballot. She further advised that, since Ms. Scott was denying that she cast a ballot in D.C., it was impossible to tell which jurisdiction had authority over the matter and that referral to prosecutorial authorities for further investigation would therefore be necessary to any resolution of the matter.

The Chair then gave Ms. Scott an opportunity to speak. Ms. Scott asked for additional time to obtain counsel. As the General Counsel did not oppose providing Ms. Scott more time, the Board agreed to grant Scott a continuance to the next Board meeting which, at the time, was expected to occur on January 7, 2026.

The Board's January 7, 2026 meeting was later rescheduled to January 14, 2026. Ms. Scott was notified via email of the rescheduled meeting and advised to provide the names of any witnesses or documents she wished to present by noon on January 12, 2026.

Ms. Scott did not respond to the email notice. Accordingly, on January 13, 2026, the OGC assigned attorney contacted her via telephone. Ms. Scott expressed awareness of the fact that the Board meeting had been rescheduled and she suggested that she had identified counsel to represent her. Accordingly, the OGC attorney requested that Ms. Scott have her attorney identify themselves

⁶ Ms. Scott responded with a document of her voting in Maryland. OGC replied that there was no dispute as to the fact that she voted in Maryland.

via email that evening so that OGC could follow up with that person the next morning before the Board met. No such counsel, however, reached out.

Ms. Scott did not appear at the January 14, 2026 Board hearing. The assigned OGC attorney advised the Board that Ms. Scott was indeed aware of the extended Board hearing date and that Ms. Scott had not identified an attorney who would be representing her.

Thereafter, there was a brief discussion on following through on the General Counsel's intended recommendation of referral so that the matter could be further investigated. The Board Chair made a motion that the matter be referred to D.C. Office of Attorney General ("OAG") for criminal investigation. The motion was duly seconded and passed unanimously.

A written Board order memorializing the Board's decision at the hearing issued on January 20, 2026. The order was sent to Ms. Scott.

Subsequently, OGC reached out to OAG about the process for referring election law violators to that prosecutorial office. Upon review of several representative Board referral matters, the OAG advised OGC on June 16, 2026 that it had concluded that it did not have jurisdiction over the election law violations at issue and that the U.S. Attorney's Office ("USAO") for D.C. was the appropriate law enforcement agency for referral.

In light of the OAG's guidance, OGC again reached out to Ms. Scott and provided notice that the General Counsel would be seeking to revise her recommendation to the Board in this matter during the Board's meeting scheduled for July 17, 2026. The notice explained that the General Counsel would be requesting that the case be referred to the USAO instead of the OAG.

At the July 17, 2026 Board meeting, the General Counsel requested reconsideration of this matter for the purpose of modifying her earlier enforcement recommendation.⁷ She requested that

⁷ Notifications of the Board's proceeding on reconsideration in her case were sent to Ms. Scott by email and mail.

the Board amend its January 20, 2026 written order so as to vacate the referral to the OAG and instead to direct prompt referral of this matter to the USAO for D.C. Member Greenfield moved that the Board's January 20, 2026 written order be modified to align with and require such referral. The motion was duly seconded and passed unanimously.

Discussion

The election laws provide that it is a crime to vote twice in the same election.⁸ The Board can, upon the General Counsel's recommendation, initiate enforcement with respect to criminal matters by referral to the U.S. Department of Justice and/or to the Attorney General for the District of Columbia.⁹ We may also impose civil fines of up to \$2,000 for each election law violation upon the recommendation of the General Counsel.¹⁰ Our task, therefore, is to determine whether there is sufficient proof of an attempt to vote twice in violation of the election laws and, if so, to determine the appropriate enforcement action.

Ms. Scott asserted during pre-hearing conference proceedings that her D.C. ballot was cast as part of a theft of her identity. In order for a third party to have cast Ms. Scott's D.C. 2024 GE ballot, however, the culprit would have had to have access to both: (1) Ms. Scott's signature such that that person would be able to forge that signature sufficiently that it would match signatures on file for her; and (2) Ms. Scott's D.C. address such that that person would have been able to purloin her mail. In other words, the reasonable inference to be drawn from Ms. Scott's claim of

⁸ See 52 U.S. Code § 10307. See also D.C. Code §§ 1-1001.09(g) (prohibiting voting more than once without specifying a penalty) and 1-1001.14(a) (allowing criminal penalties for violations of §1-1001.09(g)) and D.C. Code § 1-1001.18(a) (allowing civil penalties for any violation of the election laws).

⁹ See D.C. Code § 1-1001.18(a)-(b). Civil penalties for voter fraud may be imposed in addition to criminal ones. See D.C. Code § 1-1001.14 (c) ("The provisions of this section shall be supplemental to, and not in derogation of, any penalties under other laws of the District of Columbia.").

¹⁰ *Id.* (authorizing such civil penalty for a violation of "any provision" of the election laws). See also D.C. Code § 1-1001.05(a)(16) (authorizing the Board to "[p]erform such other duties as are imposed upon it by this subchapter").

identity theft is that the culprit is someone she knows and could identify. Yet, despite being requested to do so, Ms. Scott has not identified a single suspect. Further, Ms. Scott has not provided any corroborating evidence of identity theft, such as disputed credit card charges. Thus, Ms. Scott's position seems to be that someone went through an elaborate hoax to update her voter registration in August 2024 and cast her D.C. 2024 GE ballot solely for the purpose of committing voter fraud and for no other reason such as monetary gain.

Moreover, the objective facts do not square with Ms. Scott's claims. She has maintained that she has not resided in D.C. for years. The August 2024 D.C. voter registration update that was submitted in her name, however, includes an attestation with a signature matching Scott's other signatures that she resides in D.C. and includes as a mailing address the Maryland address associated with her Maryland voter file. In other words, the August 2024 voter registration form tends to prove that Scott resides in the District and simply uses Maryland as a mailing address, the opposite of Scott's position. If Scott's claim of not having a residence in D.C. was true, and, given her identity theft defense, it logically follows that the culprit who cast her 2024 D.C. GE ballot also fraudulently submitted the August 2024 voter registration form. That logical inference is, however, contradicted by the fact that, if someone were intending to steal her identity, they would not likely have risked exposure through mail associated with that D.C. registration update going to the Maryland address where, based on Ms. Scott's own position, is in fact where she lives. A person intending to steal Ms. Scott's voter registration identity would have left the mailing address field on the August 2024 D.C. voter registration update form blank. In short, Ms. Scott's theory of her case is not plausible.

The D.C. Administrative Procedure Act ("APA"), D.C. Official Code § 2-509(e) provides that, in contested cases, such as this, the Board's findings must be supported by reliable, probative,

and substantial evidence. In this case, the D.C. and Maryland 2024 GE official ballot evidence is reliable, probative, and substantial given that the signatures associated with those ballots are a match for other signatures on file for Ms. Scott, and Ms. Scott has presented no credible evidence of an exculpatory explanation such as alibi or a plausible identity theft culprit.

While there is here substantial evidence of criminal double voting by Ms. Scott, as the General Counsel explained at hearing, it cannot be said where the act of double voting occurred and which election authority has jurisdiction without further investigation. The Board's Office of General Counsel is not primarily a law enforcement body and its ability to investigate voter fraud and illegal voting is limited. While we are reluctant to take such severe action against voters as criminal referral, under these circumstances, where a voter appears to be unwilling to cooperate, we have no choice but to refer this matter to law enforcement.

In light of the OAG's recent conclusion, our responsibility to enforce the election laws requires that we correct our January 2026 decision to refer this matter to the proper prosecutorial authority. Accordingly, we must revise our January 2026 order to substitute the USAO for the OAG.

Conclusion

For the reasons indicated above, it is hereby:

ORDERED that the modified recommendation of the General Counsel is **ACCEPTED**, and it is

FURTHER ORDERED that the Board's direction at the January 14, 2026 hearing that Ms. Scott be referred to the D.C. Office of Attorney General is vacated. It is

FURTHER ORDERED that the Board's Office of General Counsel shall forthwith refer Britnee Scott to the U.S. Attorney's Office for the District of Columbia for investigation and possible prosecution.

The Board issues this written amended order today, which is consistent with its oral ruling rendered on July 17, 2026.

A handwritten signature in black ink, appearing to read "Gregory McCarthy", written in a cursive style.

Gregory McCarthy
Chairman
Board of Elections