

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

In the Matter of)	
Makysha Moton)	Administrative
)	Order #26-008

MEMORANDUM OPINION AND ORDER

Introduction

This matter came before the District of Columbia Board of Elections (“the Board”) on March 4, 2026. It concerns a recommendation by the Board’s General Counsel that the Board take civil enforcement action against Makysha Moton based on stipulated facts concerning her voting twice in the same election. Chairman Gary Thompson and Board member Karyn Greenfield presided over the hearing. The Board’s General Counsel, Terri Stroud, was also present.

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 name of Makysha Moton in the D.C. 2024 General Election (“GE”) and in the 2024 GE in Maryland.¹ In light of the ERIC report findings, Board staff reviewed the signatures collected at the time at each voting location from the person identifying themselves as Makysha Moton. Staff also compared those signatures to other signatures in the D.C. voter file for Ms. Moton. Based on that review, it was determined that signatures executed

¹ Those elections covered the U.S. Presidential race. Such evidence of voting twice presented the prospect of, *inter alia*, violations of 52 (“Voting and Elections”) U.S. Code § 10307 (“Prohibited Acts”).

at the time of 2024 GE check-ins at the voting locations in Maryland and the District matched Ms. Moton's signature.

In response to this information, and because the last 2024 GE ballot cast was the District of Columbia ballot, OGC launched an investigation into whether Ms. Moton voted twice in the 2024 GE in violation of voting laws. OGC sent Ms. Moton notice of a pre-hearing conference in the matter. Ms. Moton appeared on February 10, 2026 at the pre-hearing conference and cooperated fully in the investigation. At the pre-hearing conference, Ms. Moton explained that she had no recollection of voting in the 2024 GE and she provided health-related information that might explain why that was the case. Ms. Moton acknowledged that she had residential addresses in both jurisdictions.

Following discussions at the pre-hearing conference, Ms. Moton was sent a stipulated agreement in the matter and she later executed that agreement. While, by that stipulation, Ms. Moton stated that she was not contesting that she voted twice in the 2024 GE, she did also state that she would not have knowingly and intentionally done so. She also averred that she planned to cancel her D.C. voter registration to help her from unintentionally voting twice again.

Ms. Moton was duly notified that her case would be presented during the Board's regular monthly meeting in March 2026. At that March 4, 2026 meeting, the General Counsel requested that the OGC attorney who investigated the matter state the facts of the case. The OGC attorney reiterated the facts described above and that Ms. Moton had stipulated that she would not have knowingly and intentionally voted twice in the 2024 GE. While the two ballots were cast in-person slightly more than a day apart,² the OGC attorney advised, without publicly disclosing Ms. Moton's medical and personal circumstances, that Ms. Moton's beliefs as to the cause of her

² The Maryland ballot was cast just after noon on October 28, 2024 and the D.C. ballot was cast on October 29, 2024 after Ms. Moton's 3:50 pm check-in at a D.C. Vote Center.

behavior and her lack of recollection were plausible and the attorney found Ms. Moton to be credible. In addition, the OGC attorney noted that Ms. Moton did in fact cancel her D.C. voter registration on February 10, 2026. The attorney asked that the stipulation and supporting documents be accepted into the record and the Board Chair granted that request.

With this presentation of case and the evidence, the General Counsel made a recommendation that a civil fine of \$150.00 be imposed on Ms. Moton for unintentionally voting twice in the 2024 GE.

After hearing from the General Counsel and her staff, and considering Ms. Moton's statement, the Board Chair made a motion that a civil fine of \$150.00 be imposed on Ms. Moton for her unintentionally voting twice in an election. The motion was duly seconded and passed unanimously.

Discussion

The Board's enforcement powers with respect to criminal election law matters include referral to the U.S. Department of Justice and/or to the Attorney General for the District of Columbia. *See* D.C. Code § 1-1001.18(a)-(b). Voting twice in the same election can trigger prosecution for violating a number of election laws.³ Generally, however, criminal liability requires a high level of proof of knowing and intentional conduct.

³ *See* 52 U.S. Code § 10307(e) (prohibiting double voting) and D.C. Official Code §1-1001.09(g)(1) (providing that no person shall vote twice in an election) and D.C. Official Code §1-1001.14(a) (penalties for violating D.C. Official Code §1-1001.09(g)(1). *See also*, with respect to the oath voters take at the time of voting whereby they affirm that they satisfy the qualifications for being a registered voter, including residency requirements, D.C. Code § 1-1001.14(a) (criminalizing "make any false representations as to the person's qualifications for . . . voting") and § 1-1001.14(a-1)(1)(D) (criminalizing fraudulently cast a ballot) and 52 U.S. Code § 10307(c) (prohibiting knowingly or willfully giving false residency information for the purpose of establishing eligibility to register or vote in elections to fill federal offices).

The Board can also impose civil penalties for voter misconduct of up to \$2,000 for each offense. *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.”). We may impose civil fines where the misconduct is unintentional.⁴

It is undisputed that Ms. Moton voted twice in the 2024 GE. The record before us, however, is insufficient to support a finding that Ms. Moton voted twice knowingly and intentionally. Ms. Moton has denied doing so and she has presented medical and personal circumstances that are arguably sufficient to support a conclusion that she would not have remembered at the time that she voted in the District that she had previously voted in Maryland.

The arguable lack of criminal liability does not, however, relieve Ms. Moton of civil fine liability. Although there is insufficient evidence to support a finding of knowing and intentional misconduct such that criminal referral would be inappropriate, the actions of Ms. Moton are troubling. This is not a situation where (as we have seen) several days or even weeks passed between the casting of the ballots and there was an objectively reasonable basis for the voter to believe the first ballot cast had been lost or would not be counted.⁵ Here, Ms. Moton visited in-person a polling place in Maryland on one day and the very next day visited in-person a polling

⁴ *See e.g. Drake et al. v. The Citizens Committee for the D.C. Lottery Terminal Initiative of 2024, et al.*, BOE No. 05-002 at pp. 4, 40 and 42 (issued 07/29/2005) (imposed \$622,880 in civil fines under the predecessor of D.C. Official Code § 1–1001.18(b) for unintentional yet grossly negligent and negligent conduct); *In the Matter of Ballots Cast in the Name of Hannah Brown*, BOE No. 23-015 (issued 12/15/2023) (indicating that a voter might be strictly liable for civil penalties for double voting, but declining to impose that standard where the voter was told that her first ballot had been lost); *In the Matter of Ballots Cast in the Name of Barbara Duncan*, BOE No. 24-017 at p. 6 (issued 8/2/2024) (same, citing *Brown*); *In the Matter of Kersey Manliclic*, BOE No. 24-010 (issued 6/12/2024) (imposing civil fine for unintentional conduct).

⁵ *See e.g. Matter of Ballots Cast in the Name of Hannah Brown, supra.*

place in the District. Such facially egregious behavior warrants a fine of \$150.00. We agree therefore with the General Counsel's recommendation.

Conclusion

For the reasons indicated above, it is hereby:

ORDERED that the recommendation of the General Counsel is **ACCEPTED**, and that Ms. Moton is directed to pay a civil fine of \$150 by no later than no later than April 30, 2026.⁶

Date: March 5, 2026



Gary Thompson
Chairman
Board of Elections

⁶ Payment must be made by check or money order made out to the "D.C. Treasurer." It may be mailed to the attention of the General Counsel at the Board's offices (1015 Half Street, Suite 750, S.E., Washington, D.C. 20003) or hand delivered at that address.