

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

In the Matter of Ballots)	
Cast in the Name of)	Administrative
Renee M. Diggs)	Order #23-009
)	

MEMORANDUM OPINION AND ORDER

Introduction

This matter came before the District of Columbia Board of Elections (“the Board”) on December 6, 2023. It concerns the Board’s General Counsel’s recommendation that the Board take enforcement action in the above-captioned matter. Chairman Gary Thompson and Board members Karyn Greenfield and J.C. Boggs presided over the hearing. The Board’s General Counsel, General Counsel and BOE staff, and Renee Diggs were 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 a ballot was cast in the name of Renee M. Diggs in the D.C. 2020 General Election (“GE”) and that a ballot was cast in the name of Renee Diggs in the 2020 GE in Maryland. This evidence suggested a violation of D.C. Code §1-1001.09(g)(1) (“No person shall vote more than once in any election[.]”). Such a violation would fall under the Board’s authority to impose, upon recommendation of the General Counsel, civil fines of up to \$2,000 for each violation of

“any provision” of the elections laws.¹ In response to this information, OGC investigated the casting of 2020 GE ballots in the name of Renee Diggs.

As part of its investigation, OGC reviewed voter file materials from D.C. and the Maryland Board of Elections that indicated that an individual named Renee Diggs may have cast ballots in D.C. and in Maryland during the 2020 GE. The signatures contained on the documents reviewed, all of which were associated with an individual named Renee Diggs, appeared to be consistent with one another and with other signatures associated with the voter in the Board’s records. After reviewing these materials, OGC conducted a prehearing conference with Mrs. Diggs on August 24, 2023. At the prehearing conference, during which Mrs. Diggs was presented with the pertinent voter file materials, Mrs. Diggs stated that she did vote in person in Maryland in the 2020 GE, but that she did not vote in DC during that election.

After completing its investigation, the General Counsel notified the Board that this matter should be set for a hearing before the Board. The hearing was set for December 6, 2023. Ms. Diggs was duly notified of the hearing, and she appeared.

At the hearing, the General Counsel requested admission into the record of the voter file materials from D.C. and the Maryland Board of Elections.² The evidence showed that an individual named Renee Diggs voted in person in Maryland on October 26, 2020 and that an individual named Renee M. Diggs voted in person in D.C. on October 28, 2020.³ On the record at

¹ See D.C. Code §1–1001.18(a)-(b).

² The voter records offered at hearing by the General Counsel’s staff contained confidential information (partial SSNs, DOBs, and signatures) and therefore were offered for the Board’s review *in camera*.

³ To authenticate this evidence, the General Counsel presented an affidavit whereby Mohammed Maeruf, Supervisory Information Technology Specialist, averred that the documentation described above consisted of business records obtained from the Board’s voter files and from the Maryland Board of Elections. Mr. Maeruf was available at the hearing to answer any questions by the parties.

the hearing, Mrs. Diggs stated that she did not recall voting in D.C. and indicated that she did not intend to vote twice. However, Mrs. Diggs did testify that “in speaking with [her] husband who had actually cast a vote [in] D.C., he stated that [they] actually went the same time.” She also acknowledged that the signature that appeared in the Board’s records that indicated that she checked in to vote in the D.C. 2020 GE “looks similar” to her actual signature.

After hearing the evidence and the testimony presented by Mrs. Diggs, the Board recessed and went into executive session. When the Board reconvened on the record, the members unanimously voted in favor of imposing a \$100 civil fine on Mrs. Diggs.

Discussion

D.C. Code § 1–1001.18(b) authorizes the Board to impose civil penalties for violations of D.C.’s elections laws.⁴ Our task is to determine whether there is reliable, probative, and substantial evidence to support a finding of a violation of the prohibition on voting twice in any election. In that regard, we take judicial notice of the fact that ballots cast in the 2020 GE in each of the relevant jurisdictions covered the election for U.S. President.

The evidence shows that a ballot was issued by Maryland to Renee Diggs in the 2020 GE in Maryland, that a ballot was issued by the D.C. Board of Elections to Renee Michele Diggs in the 2020 GE, and that the intended recipient of those ballots was the same person. The evidence further shows that those two ballots were indeed cast. The signatures associated with the voter, including those on documents related to the ballots cast by the voter in D.C. and Maryland, appear to be consistent with one another. Diggs does not deny voting in Maryland in the 2020 GE and has offered little to refute the weight of the evidence that she also voted in D.C. in the 2020 GE.

⁴ 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”).

Indeed, she has acknowledged the similarity in the D.C. signature to her actual signature, and testified as to her husband's statement that she did go with him to vote in person in D.C.

Conclusion

Based on the evidence regarding the casting of ballots in the District of Columbia 2020 GE in the name of Renee M. Diggs and in Maryland's 2020 GE in the name of Renee Diggs, we find sufficient record evidence of Mrs. Diggs voting twice in the 2020 GE. Accordingly, based on the record before us of a violation of the elections laws, we impose a \$100 fine on Mrs. Diggs. It is therefore hereby:

ORDERED that Renee M. Diggs pay a \$100 fine by no later than January 8, 2024.⁵

Date: December 15, 2023



Gary Thompson
Chairman
Board of Elections

⁵ The fine may be paid by check made out to the D.C. Treasurer and remitted to the Board's Office of General Counsel.