

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

In the Matter of)	
Kersey Manliclic)	Administrative
)	Order #24-010

MEMORANDUM OPINION AND ORDER

Introduction

This matter came before the District of Columbia Board of Elections (“the Board”) on June 12, 2024. It concerns a recommendation by the Board’s General Counsel that the Board take civil enforcement action against Kersey Manliclic based on stipulated facts concerning Mr. Manliclic’s erroneously voting a mail ballot issued to another voter. Chairman Gary Thompson and Board members Karyn Greenfield and J.C. Boggs presided over the hearing. The Board’s General Counsel and Mr. Manliclic were also present.

Background

On February 7, 2024, the Federal Bureau of Investigation (“FBI”) reached out to the Board’s Executive Director with regard to a complaint that was submitted by a former D.C. voter (“complainant”) to the FBI. The complainant had informed the FBI that, although she had moved out of the District in January of 2021, she had received a text message from the Board in October of 2022 informing her that a ballot had been sent to her former D.C. address. She also advised the FBI that she subsequently received another text message from the Board that alerted her of an attempt to vote that mailed ballot.¹ Because the complainant had not actually received a D.C.

¹ The second text message advised that the complainant’s ballot was being reviewed because of a missing/mismatched signature or missing ID and that the complainant should contact the Board to cure her ballot. As the complainant did not follow up with the Board’s staff in response to the notice of an issue with a ballot voted in her name, that ballot was not counted.

mailed ballot due to the fact that she did not live in D.C. at the time the ballot was mailed to her and therefore could not have voted that ballot, the complainant alleged that voter fraud may have occurred.

After receiving this information from the FBI, the Board's staff checked the complainant's voter file and found that she had not submitted a request to cancel her D.C. voter registration until December of 2023, long after she had moved away. As a result, she was listed in the Board's records as an active voter at the time of the 2022 General Election and a ballot for that election was indeed automatically mailed to her former D.C. address. As with any mailed ballot, voting instructions were provided with the ballot that addressed the qualifications for voting and specified that the signature made on the ballot return envelope must be the "[s]ignature of voter to whom this ballot was sent". Further review of the voter files revealed evidence that an individual other than the complainant and having the name of Kersey S. Manlicic had signed the complainant's ballot return envelope on the signature line that appeared immediately over the pre-printed name and former D.C. address for the complainant.²

Subsequently, the Board's Office of General Counsel ("OGC") initiated an investigation of the matter and contacted Mr. Manlicic. Mr. Manlicic cooperated with OGC and confirmed that he had moved into the complainant's former address prior to the 2022 General Election.

On May 24, 2024, OGC convened a pre-hearing conference with Mr. Manlicic. As discussed during that pre-hearing conference proceeding, a proposed stipulation was presented to Mr. Manlicic later that day.³

² Kersey Manlicic had registered to vote in D.C. at the complainant's former D.C. address after she had moved away but several months before the 2022 General Election. The signature on the complainant's 2022 General Election ballot return envelope was verified as Mr. Manlicic's because it matched another signature on file for Mr. Manlicic.

³ Stipulations as to facts and evidence may be adopted through OGC pre-hearing conference proceedings. *See* 4 DCMR § 416.

On May 30, 2024, Mr. Manliclic executed the proposed stipulation. By that stipulation, Mr. Manliclic acknowledged that the signature on the signature line appearing above the complainant's pre-printed name on the 2022 General Election ballot return envelope was his signature and he stipulated to the admission into evidence of the scanned image of that ballot return envelope. Mr. Manliclic agreed in the stipulation that he erroneously voted a D.C. 2022 General Election ballot that was issued to another voter.⁴ He admitted that he failed to exercise care and caution in completing and returning the ballot to the Board. Mr. Manliclic further stipulated that he did not intend to vote a ballot issued to another voter.

At the June 12, 2024 Board meeting, the Office of General Counsel attorney who investigated the matter briefly stated the facts of the case and explained that the stipulation had been offered for entry into the record and that the matter was being submitted to the Board, subject to the recommendation of the General Counsel, for enforcement. Before hearing from the General Counsel, the Board Chair invited Mr. Manliclic to speak. Mr. Manliclic indicated that, because he was the only person living at the address for the mailed ballot at the time of the 2022 General Election, he assumed all incoming mail was addressed to him. He reiterated that he made a mistake and apologized for voting the ballot of another voter. The General Counsel noted that, while Mr. Manliclic did not intend to vote the ballot of another voter, some action should be taken. Accordingly, she recommended that a civil penalty be imposed.

After hearing from the General Counsel and Mr. Manliclic, the Board Chair made a motion that a civil fine of \$100.00 be imposed on Mr. Manliclic for his attempting to vote another person's ballot. The motion was duly seconded and passed unanimously.

⁴ The General Counsel's investigation did not reveal any evidence that a D.C. 2022 General Election ballot that had been issued to Mr. Manliclic had been voted. Accordingly, there is no evidence here of double voting.

Discussion

The election laws provide that it is a crime to “make any false representations as to the person’s qualifications for . . . voting” or to fraudulently cast a ballot.⁵ 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.⁶ We may also, again upon the recommendation of the General Counsel, impose civil fines of up to \$2,000 for each election law violation.⁷ Our task, therefore, is to determine whether there is sufficient proof of an attempt to vote falsely or fraudulently in violation of the election laws and, if so, to determine the appropriate enforcement action.

In this matter, the facts are undisputed. Mr. Manliclic has admitted that, contrary to the qualifications for voting specified in the instructions provided with the ballot, he signed a name on the ballot return envelope signature line that was not the “[s]ignature of voter to whom this ballot was sent[.]” He has acknowledged facts showing that he attempted to vote a ballot issued to another party.

That said, Mr. Manliclic has stipulated that his conduct was erroneous and that he did not intend to attempt to vote a ballot that was issued to another voter. Mr. Manliclic’s claim is supported by the fact that he did not sign the name of the intended recipient of the ballot or otherwise attempt to forge the name of the voter. Instead, the ballot return envelope evidence

⁵ See D.C. Code § 1–1001.14(a) and § 1–1001.14(a-1)(1)(D), respectively. The penalty for violating either of those provisions is a fine up to a \$10,000 and/or a term of incarceration of up to 5 years. In addition, D.C. Official Code § 22-2405(b) criminalizes willfully making false statements to D.C. government entities. The penalty for that violation is a fine of up to \$1,000 and imprisonment of not more than 180 days, or both.

⁶ 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.”).

⁷ *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”).

shows a hand-written signature that is reasonably decipherable as “Kersey S. Manliclic” immediately over an entirely different type-printed voter name; a fact which reasonably suggests Mr. Manliclic attempted to vote another’s ballot by mistake. Because Mr. Manliclic did not vote in his own name in the 2022 General Election and the complainant’s ballot was never counted due to the signature mismatch issue, Mr. Manliclic’s actions cost him his ability to vote in that election. Thus, there is no evidence of ill-gotten-gain or anything nefarious here. Rather, the evidence is that, because Mr. Manliclic did not exercise care and caution in voting the ballot, he unintentionally completed and returned to the Board another voter’s ballot.

Based on the record before us, Mr. Manliclic’s conduct essentially equates to the making of a false representation as to his qualifications for voting. We decline, however, to find that Mr. Manliclic had the level of intent required for a criminal conviction. That said, the General Counsel has recommended that a civil penalty be imposed. We concur that Mr. Manliclic’s conduct should have consequences. Under the circumstances, we believe that a fine of \$100.00 is appropriate.

Conclusion

For the reasons indicated above, it is hereby:

ORDERED that the recommendation of the General Counsel is **ACCEPTED**, and that Mr. Manliclic is directed to pay no later than July 2, 2024, a civil fine of \$100.00.⁸

Date: June 12, 2024



Gary Thompson
Chairman

⁸ **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.